

The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Friday, the 22nd December 1922, the hon. Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR Avargal, K.C.S.I., C.I.E., President, presiding.

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No. 15—*

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions, and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Repairs of tanks under minor irrigation.

638 Q.—MR. A. M. AHMAD MIRAN SAHIB : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that a contribution from the ryots of the Tinnevely district for the repairs of tanks under minor irrigation are collected while such a system does not exist in any other district of the Presidency ; and

(b) what the reasons are for the adoption of the system in the Tinnevely district ?

A.—(a) & (b) No contributions are now being demanded, but where the ryots wish priority given to a particular work which would not otherwise be executed, they are allowed to secure it by a contribution subject to its payment before a given date.

The Five Falls road near Courtalam.

639 Q.—MR. R. APPASWAMI NAYUDU : Will the hon. the Home Member be pleased to state—

(a) whether the Government have received any petition, dated 30th July 1921, from one Mr. I. S. Akilandam Pillai, landlord, Elanji, Tenkasi taluk, Tinnevely district, to the effect that the Five Falls road near Courtalam, Tenkasi taluk, Tinnevely district, is in such a deplorable state that the produce raised in the adjacent parts of the wet and dry lands cannot be carted through this road and consequently the cultivators are subjected to serious loss ; and

(b) what steps the Government propose to take to redress the grievances of these ryots ?

A.—(a) The Government received a petition from Akilandam Pillai and it was transferred to the Chief Conservator of Forests for disposal.

(b) The road was repaired last year at a cost of Rs. 330 and is now reported to be in good condition.

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Asylums for the poor and the disabled in the Presidency.

640 Q.—Mr. S. ARPUDASWAMI UDAYAR : Will the hon. the Law Member be pleased—

(1) to place on the table a statement showing—

(a) the number of asylums in this province for the protection of disabled, neglected poor, with no home or relations,

(b) the places where they are situated,

(c) those under Government control and

(d) those under private management, and

(2) to state whether Government have any scheme for opening beggar asylums or helping with suitable grants those already opened by private bodies or those which may be opened hereafter either in Madras or in mufassal towns where the need is felt?

A.—(1) The hon. Member is referred to the portion headed 'Charitable Institutions' in Part II of the annual report on the administration of the Madras Presidency. The Government have no further information than what is contained in the report.

(2) No.

Indian orphanages in the Presidency.

641 Q.—Mr. S. ARPUDASWAMI UDAYAR : Will the hon. the Minister for Education be pleased to place on the table a list showing—

(a) the number of Indian orphanages in this province,

(b) the places where they are situated,

(c) those under Government direction,

(d) those under private management, and

(e) the amount and nature of the grants, if any, allotted to Indian orphanages under private management?

A.—The Government have no information but will call for it.

Retrenchment in the Public Works department.

642 Q.—Rao Bahadur T. BALAJI RAO NAYUDU : Will the hon. the Minister for Education and Public Works be pleased to state whether the Government are going to make any further retrenchments in the Public Works establishment?

A.—Proposals for further retrenchment are under consideration.

Remission of land revenue and water-tax in the Kistna and Gōdāvari deltas.

643 Q.—Rao Bahadur T. BALAJI RAO NAYUDU : Will the hon. the Member for Revenue be pleased to state whether the Government are aware of the extent of the damage done to crops in the Kistna and Gōdāvari deltas by the storm of 22nd November 1922?

A.—The Government await the Collector's detailed report regarding the extent of the damage.

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Inspection of private factories by the Superintendent of the Kerala soap factory.

644 Q.—Mr. A. D. M. BAVOTTI SAHIB: Will the hon. the Minister for Development be pleased to state—

(1) how many private factories were inspected by the Superintendent of the Kerala soap factory during 1920-21 and 1921-22;

(2) how many factories had sought advice from the Superintendent during 1920-21 and 1921-22; and

(3) which were those factories?

A.—(1) Factories inspected by the Superintendent during the 20 year 1920-21.

Factories inspected by the Superintendent during the 1 year 1921-22.

Factories inspected by his Assistants during the year 2 1921-22.

The Superintendent was absent in England on leave from 5th October 1921 to 4th September 1922.

(2) Soap factories which sought advice during 1920-21 .. 7

Soap factories which sought advice during 1921-22 .. 7

Candle factories which sought advice during 1920-21. 1

Candle factories which sought advice during 1921-22. 1

There were also several inquiries from private individuals and firms for information regarding soap and candle making.

(3) The names of factories inspected by the Superintendent are given below:—

1920-21.

- (1) Kerala Soap Works, Calicut.
- (2) Malabar Soap Factory, Calicut.
- (3) Solar Soap Works, Calicut.
- (4) Messrs. Bhanjee & Co., Calicut.
- (5) K. P. & Sons D. S. P. & Bros., Calicut.
- (6) Purushotham Leelakar, Calicut.
- (7) Nurania Soap Works, Calicut.
- (8) M. Kunhi Velu Soap Factory, Calicut.
- (9) Mamu & Abunhi, Calicut.
- (10) Union Soap Works, Calicut.
- (11) Abdul Lattief, Calicut.
- (12) K. M. Ramaswami Chetti & Bros., Calicut.
- (13) Ramakrishna Soap Factory, Calicut.
- (14) Ben & Co., Calicut.
- (15) Percha Kutti & Sons, Calicut.
- (16) Mr. Gabriel, Cannanore.
- (17) Kanakkil Velu, Cannanore.
- (18) Illath Velappil Chandukutti, Cannanore.
- (19) Parappurath Govindan, Cannanore.
- (20) Kalthottil Ramunni, Cannanore.

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1921-22.

- (1) Anjuman Muffeed Ai-Islam Soap Factory, Cuddapah (inspected by Assistant).
- (2) V. B. M. & Co., Coimbatore (inspected by Assistant).
- (3) Chennamangalam Soap Factory near Parur.

The names of factories which sought advice from the Superintendent in the year 1920-21 are given below :—

Soap Factories.

- (1) Calcutta Soap Works, Limited, Calcutta.
- (2) Mangola Product Trading Company, Bezwada.
- (3) Mangalore Fisheries Mart, Mangalore.
- (4) Crystal Works, Calcutta.
- (5) Joseph & Co., Coimbatore.
- (6) Vittala Soap Factory, Chittoor.
- (7) Sri Venkateswara Soap Factory, Chittoor.

Candle Factory.

Chandrasekara Candle Factory, Nellore.

The names of factories which sought advice from the Superintendent in 1921-22 are furnished below :—

Soap Factories.

- (1) Ameer Soap Works, Trichinopoly.
- (2) Anjuman Muffeed Ai-Islam Soap Factory, Cuddapah.
- (3) V. B. M. & Co., Coimbatore.
- (4) Kamala Soap Factory, Calcutta.
- (5) Mr. Phadk, Bellary.
- (6) R. Appaji & Co., Dindigul.
- (7) Muhammad Azizulla Sahib, Soap Maker, Cuddapah.

Candle Factory.

Candle Factory, Kumbakonam (owned by Mr. A. R. S. Pakiri Pillai).

Advice to other factories from the Superintendent, Kerala soap factory.

645 Q.—Mr. A. D. M. BAVOTTI SAHIB: Will the hon. the Minister for Development be pleased to state—

(1) which were those private factories which asked for advice and to which advice was given by the Superintendent of the Kerala soap factory during 1920-21 in regard to improving their methods of manufacturing soaps and candles; and

(2) how many such factories are there in the Presidency and how many in Malabar?

A.—(1) Advice was given to all factories that asked for it. The names of factories have already been furnished under answer to question No. 644 (3).

(2) No exact information is available.

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Appointments in the subordinate and provincial services of the Fisheries department.

646 Q.—Mr. A. D. M. BAVOTTI SAHIB: Will the hon. the Minister for Development be pleased to state the various grades of appointments in the subordinate and provincial services in the Fisheries department together with the scale of pay and qualifications and also the number of Muhammadans holding appointments in the department in the West and East Coast?

A.—The hon. Member is referred to the establishment list of the department and the abstract of the rules relating to Public Service Examinations in the Madras Presidency available in the library which contain information as to the various grades of appointments in the department with their scale of pay and qualifications. The number of Muhammadans holding appointments in the department in the West and East Coast is two and eight, respectively.

Mappilla rebels killed during the rebellion.

647 Q.—Mr. A. D. M. BAVOTTI SAHIB: Will the hon. the Home Member be pleased to state—

(a) why the answer to my question No. 466 (c) (2) at the meeting of the Council held on 14th November 1922 that the number of Mappillas killed in the rebellion was roughly between 1,200 and 1,500 varies from the answer to the question No. 417 (c) put by Mr. C. Ramalinga Reddi at the meeting of the Council held on 13th November 1922 that the number of Mappilla rebels killed was three thousand approximately;

(b) which figure is correct; and

(c) who is responsible for these answers?

A.—The Government regret that an error was made in the answer to question No. 417. The figure 3,000 represented an approximate estimate of all field casualties sustained by the Mappillas including wounded as well as killed.

The answer to question No. 466 may be taken as correct, i.e., the number of Mappillas killed was between 1,200—1,500.

Quarters to Madras Lighthouse-keepers.

648 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: Will the hon. the Member for Finance be pleased to state—

(1) (a) the total amount of the house-rent allowance to light-keepers drawn from the Coast Light Fund during the years 1917, 1918, 1919, 1920 and 1921;

(b) whether it is a fact that all coast lighthouse-keepers in this Presidency have been provided with quarters and furniture, etc., except the Madras lighthouse-keepers; and

(2) whether it is a fact that the Head of the Presidency Port Authorities was pleased to transfer an experienced head light-keeper named A. Muhammad Ibrahim Lody from Port Light to Coast Light Service as an assistant light-keeper in consideration of his continuous good work in the Port Light Service?

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A.—(1) (a) The amount paid is as follows :—

				RS.
Official year	1917-18	724
"	1918-19	831
"	1919-20	1,117
"	1920-21	1,338
"	1921-22	1,594

(b) Yes. Of the light-keepers in Madras only the head light-keeper is provided with free quarters, a house being leased in the near neighbourhood of the lighthouse for that purpose.

(2) The facts are as stated.

Surface drains in Negapatam.

649 Q.—Mr. V. HAMID SULTAN MARAKKAYAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Negapatam Municipal Council have requested the Government in their resolution No. 4, dated 22nd May 1922, to sanction the construction of surface drains in the town and bear the entire cost of the scheme; and

(b) whether it is the intention of the Government to comply with the request of the municipal council?

A.—(a) The answer is in the affirmative.

(b) The Government have no such intention.

Adi-Dravida representation in the Negapatam taluk board.

650 Q.—Mr. V. HAMID SULTAN MARAKKAYAR : Will the hon. the Minister for Local Self-Government be pleased to state why no Adi-Dravidas have been nominated to the Negapatam taluk board in spite of representations made?

A.—No Adi-Dravida was appointed to the Negapatam taluk board because no suitable candidate was available for nomination.

Europeans and Anglo-Indians in the Negapatam municipal council.

651 Q.—Mr. V. HAMID SULTAN MARAKKAYAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government are aware that the Europeans and Anglo-Indians of Negapatam had till recently two members to represent them in the Negapatam municipal council; and

(b) why no Europeans have now been appointed to the Negapatam municipal council?

A.—(a) The answer is in the affirmative.

(b) An Anglo-Indian will be nominated to the council.

The new system of port lighting.

652 Q.—Mr. V. HAMID SULTAN MARAKKAYAR : Will the hon. the Member for Finance be pleased to state, in view of the introduction of the new system of port lighting, what steps Government propose to take to provide employment for the light-keepers whose services are below ten years?

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A.—Officers whose posts have become superfluous will be provided for elsewhere, if possible. If not, they will be given compensation pensions in cases in which they have more than 10 years' service, and gratuities where they have less.

Presidentship of Landing and Shipping Fees Committees.

653 Q.—Mr. V. HAMID SULTAN MARAKKAYAR : Will the hon. the Member for Finance be pleased to state the reason why deputy collectors and sub-collectors are preferred for the presidentship of the Landing and Shipping Fees Committees, when the Port officers who are in the know of the business proper are available ?

A.—The Committees consist largely of merchants and of port officials whose views on questions raised may be widely divergent, and it is considered generally desirable therefore to have as President of the Committee a Revenue Officer who has no direct concern with the questions in issue.

Municipal elections in Negapatam.

654 Q.—Mr. V. P. PAKKIRISWAMI PILLAI : Will the hon. the Minister for Local Self-Government be pleased to state—

(1) the names of the polling officers appointed by the Chairman, Municipal Council, Negapatam, for elections in August 1922 ;

(2) whether any objections were taken to their appointment, if so, on what grounds ;

(3) whether it is a fact that armed police had to patrol the streets on the election day, if so, what necessity there was for such a contingency ; and

(4) whether the Government have received any reports from the Collector of Tanjore about irregularities in the election proceedings (especially about the postponement of the election on 8th August 1922 by the Chairman in spite of protest) and if so, whether any action has been taken thereon, and whether the Government will be pleased to lay all the papers on the table ?

A.—(1) The following gentlemen were appointed by the Chairman as polling officers for the election held in August 1922 :—

(1) M.R.Ry. S. P. K. Somasundaram Pillai Avargal.

(2) „ E. T. S. Kothandapani Pillai Avargal.

(3) „ A. Solomon Royan Chettiyar.

(4) „ R. S. Srinivasalu Nayudu Garu.

(5) Janab V. Hamid Sultan Marakkayar Sahib Bahadur,
M.L.C.

(2) One of the candidates for the election, Shaik Muhammad Malim alias Perianna, presented a petition to the Chairman on 3rd August 1922 objecting to the appointment of any of these gentlemen except M.R.Ry. A. Solomon Royan Chettiyar Avargal, as they were either canvassing for himself or for the rival candidate.

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(3) The same candidate presented a petition to the Deputy Superintendent of Police, Negapatam, at 10 p.m. on 8th August 1922 stating that his rival candidate Mr. Singaravelu Chettiyar with the help of the Chairman and a party of 200 fishermen of Negapatam were trying to cause a breach of the peace and requested bandobasth. The Circle Inspector found a crowd loitering in the streets in front of Mr. Singaravelu Chettiyar's house. The Circle Inspector, a Sergeant and the sub-inspectors of Negapatam and Nagore patrolled the town with their men armed on the night of the 8th and unarmed on the morning of the 9th August. There was no disturbance.

(4) The answer to the first part of the question is in the negative. The rest of the question does not arise.

Caste distinction in hostels maintained by Government.

655 Q.—Mr. A. T. PALMER: Will the hon. the Minister for Education be pleased to state whether caste distinction is observed in hostels maintained by the Government?

A.—Different classes of the community have different kitchens and dining rooms assigned to them. Otherwise there is no caste distinction.

Absence of district board presidents from India.

656 Q.—The RAJA OF RAMNAU: Will the hon. the Minister for Local Self-Government be pleased to state why orders have not been passed with reference to the absence of the President of the Kistna District Board while on deputation in England in connexion with the Indian Students' Advisory Committee and whether the Government have declared that he forfeited his appointment by absence outside the local area under the provisions of the new Local Boards Act; whether the Government have declared or propose to declare that Diwan Bahadur M. Ramachandra Rao forfeited his appointment and what the Government propose to do with regard to the absence on deputation to British Guiana of Diwan Bahadur P. Kesava Pillai, who is the President of the District Board, Anantapur?

A.—The Government are advised that M.R.Ry. Diwan Bahadur M. Ramachandra Rao Pantulu Garu ceased to be a member and President of the District Board of Kistna by his absence from the meetings of that Board for more than three consecutive months. M.R.Ry. Diwan Bahadur P. Kesava Pillai Avargal similarly ceased to be a member and President of the Anantapur District Board.

Rao Bahadur C. V. S. NARASIMHA RAJU:—“Has not Mr. Kesava Pillai taken charge of the district board presidentship, Anantapur, immediately after he returned from British Guiana?”

The hon. the RAJA OF PANAGAL:—“There was some doubt as to whether the condonation of his continuance as a member of the District Board, subsequent to his return from British Guiana, was valid. He took charge thinking that the condonation by the District Board was valid.”

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Rao Bahadur C. V. S. NARASIMHA RAJU :—“ Has he been since gazetted as president of the District Board ? ”

The hon. the RAJA OF PANAGAL :—“ Yes.”

Rao Bahadur C. V. S. NARASIMHA RAJU :—“ When was it ? ”

The hon. the RAJA OF PANAGAL :—“ It was notified in the last Gazette.”

Rao Bahadur C. V. S. NARASIMHA RAJU :—“ Is the Government going to validate all the acts done by him from the date of his taking charge to the date of his assumption of office under the Gazette notification ? ”

The hon. the RAJA OF PANAGAL :—“ There is a provision in the Act under which the acts done by the president of the board are valid in such cases with retrospective effect.”

The RAJA OF RAMNAD :—“ May I ask whether he will continue to be president for three years from the date of this nomination ? ”

The hon. the RAJA OF PANAGAL :—“ Yes, from the date of this nomination.”

The president of the Ramachandrapuram taluk board.

657 Q.—Diwan Bahadur M. RAMACHANDRA RAO PANTULU : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the taluk board of Ramachandrapuram, Gōdāvari district, was accorded the privilege of electing its own president from among its members by G.O. No. 285, L. & M., dated 12th February 1921 ;

(b) whether the said taluk board elected one Mr. J. Ramachandra Rao as president, and that the Government in G.O. Mis. No. 1491, dated 1st August 1921, declared the said election invalid on the ground that the revenue divisional officer who was president of the taluk board on 1st April 1921, continued to be the president until the taluk board was reconstituted under rule 9 of Schedule X of the Madras Local Boards Act, 1920 ;

(c) the date on which the said taluk board was reconstituted under rule 9 of Schedule X of the Madras Local Boards Act, 1920 ;

(d) whether the president of the district board, Gōdāvari, fixed the 30th of June 1922 as the date for the election of the president of the taluk board of Ramachandrapuram and whether that date was postponed by him to the 29th of July 1922 and again to 29th of August 1922, and the reasons for these postponements ; and

(e) the reason for the continued postponement of the election of the president of the taluk board, Ramachandrapuram, which was sanctioned so long ago as 12th February 1921, and when this election is likely to take place ?

A.—(a) & (b) The answer is in the affirmative.

(c) The taluk board was reconstituted on the 5th May 1922.

(d) & (e) The President, District Board, Gōdāvari, fixed the 29th July 1922 as the date for the election of the president of the Ramachandrapuram Taluk Board. At that time the question of amalgamating the Ramachandrapuram and Peddapur Taluk Boards was under the consideration of Government. The President, District Board, Gōdāvari, was therefore asked to postpone the election of the taluk board president pending decision of the question of amalgamation.

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Jail treatment of political offenders.

658 Q.—MR. C. RAMALINGA REDDI: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the Government of India have recommended some changes in the rules relating to the treatment of political offenders in prison;

(b) if so, the date on which the views of that Government were received in Madras;

(c) whether the Madras Government propose to modify the jail rules accordingly; if so, whether the revision has been undertaken and when it will be completed and brought into force; and

(d) whether the revised rules will be laid on the table of the House?

A.—(a) The Government of India have recommended some changes in the Jail rules in regard to the treatment of prisoners selected for inclusion in a special division. 'Political offenders' as well as others will be eligible for this division.

(b) 28th August 1922.

(c) Yes. Details of the revision are now under consideration and the revised rules will shortly be issued.

(d) Yes, in due course.

Jail labour of political prisoners.

659 Q.—MR. C. RAMALINGA REDDI: Will the hon. the Home Member be pleased to state what is the total number of political prisoners who have been set ragi-grinding or oil-mill turning as normal forms of jail labour?

A.—The jail classification does not distinguish between political and other prisoners and it has been found difficult to obtain the further information promised during the last month's session. According to reports received from the Superintendents of Jails, out of the prisoners whom by a rough calculation they would describe as 'political' 7 were put to labour at ragi-grinding and 16 at turning the oil-mill.

Committee to revise the scheme of Government technical examinations.

660 Q.—MR. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Education be pleased to state—

(1) how often the committee appointed by Government in their Order No. 428, Home (Education), dated 19th March 1921, to revise the scheme of the Government technical examinations met after its appointment;

(2) how often each of the sub-committees into which the committee split itself up have met up to date;

(3) the total cost to the Government of the committee and the sub-committees in the form of travelling allowance to members and other expenses, if any; and

(4) when the committee is likely to complete its report?

A.—(1) Three times.

(2) The Government have no information.

(3) Rs. 386-11-0.

(4) The committee has sent in its report to the Government.

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Ceded Districts' representation in the Madras Educational Service.

661 Q.—**MR. A. RANGANATHA MUDALIYAR**: Will the hon. the Minister for Education be pleased to state the number of officers who are residents of the Ceded districts and are now working in them as sub-assistant inspectors of schools and are qualified for promotion to the Madras Educational Service?

A.—The Government have no information.

Muhammadans newly appointed in departments under the Minister for Development.

662 Q.—**Khan Babadur MUHAMMAD SADULLA BADSHA SAHIB**: Will the hon. the Minister for Development be pleased to state the number of Muhammadans excluding peons and attenders that have been newly appointed in different departments under his control, such as the Veterinary department, Agricultural and Industrial department, Co-operative department, Mining department in the Presidency town, in 1921-22?

A.—The hon. Member is furnished with a statement below showing the number of Muhammadans excluding peons and attenders appointed, in the different departments under the control of the Development Minister in the Presidency town since 1st January 1921 :—

Department.	Number of Muhammadans appointed since 1st January 1921.
Agricultural department	Nil.
Co-operative department	Nil.
Civil Veterinary department	1
Fisheries department	2
Industries department	6

The Mining department is not under the Development Minister.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—" Sir, there is some mistake in the printed answer to question 662. The number of Muhammadans appointed in the Co-operative department is there shown as nil. As a matter of fact, one Muhammadan officer, Mr. Yusuf Ali, a Tahsildar drawing Rs. 180, was given a Co-operative Assistant Registrar's place on Rs. 250, during the period specified in the question. Later on, that officer left us, because he got another appointment in the Income-tax department."

Salary of non-gazetted officers.

663 Q.—**MR. K. SARABHA REDDI**: Will the hon. the Member for Finance be pleased to state why the proposed revision of salary of the non-gazetted officers has not yet been given effect to?

A.—There are very few cases in which the revision has not been given effect to. In such cases the reason for delay is either that changes in administrative policy are being considered or that detailed proposals for the application of general principles to particular establishments have not been received by the Government.

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Communal representation in the South Arcot taluk board.

664 Q.—Mr. R. SRINIVASA AYYANGAR: With reference to the answer, given to clauses (4), (5) and (6) of my question No. 260 on the 15th September last regarding communal representation in the taluk boards of South Arcot, will the hon. the Minister for Local Self-Government be pleased to lay on the table the information called for?

A.—The information is laid on the table.*

Nominations to the taluk boards of South Arcot.

665 Q.—Mr. R. SRINIVASA AYYANGAR: With reference to the answer given to my question No. 449 on the 13th November last regarding nominations to the taluk boards of South Arcot, will the hon. the Minister for Local Self-Government be pleased to lay on the table the information called for?

A.—The President's letter is laid on the table.†

Mr. R. SRINIVASA AYYANGAR:—"In the letter of the President, District Board, South Arcot, laid on the table, the President says that persons defeated at the polls are not disqualified. I should like to know whether it is usual to nominate persons defeated at the polls."

The hon. the RAJA OF PANAGAL:—"I cannot say that it is usual to nominate defeated candidates; but it is done sometimes."

Mr. R. SRINIVASA AYYANGAR:—"With reference to the same question, I should like to know from the hon. the Minister whether there were not other persons in the respective local areas who might have been nominated in the best interests of the administration."

The hon. the RAJA OF PANAGAL:—"That is a matter for the President of the District Board concerned."

Mr. R. SRINIVASA AYYANGAR:—"When representatives of a community had been returned in a sufficiently large number, I wish to know whether it was desirable to nominate more persons from the same community. Clause 3 of my original question which is answered here related to the fact that Mr. Venugopal Nayudu was nominated notwithstanding the fact that already four members of his community had been returned, and also to the fact that one Reddi gentleman was nominated when six Reddi gentlemen had been already returned."

The hon. the RAJA OF PANAGAL:—"The nomination of members to Taluk Boards is left to the discretion of the President of the District Board, and he is expected to exercise his discretion suitably. So my hon. friend will do well to put his interpellation in the District Board."

Mr. R. SRINIVASA AYYANGAR:—"I should like to know from the hon. the Minister whether these nominations satisfy the provisions contained in section 9 of the Madras Local Boards Act which deals with the representation of Muhammadans, minorities and backward classes."

The hon. the RAJA OF PANAGAL:—"It is a matter of opinion, Sir. I do not think the hon. Member is entitled to ask questions about matters of opinion."

* Vide Appendix A on page 1172 infra.

† Vide Appendix B on page 1172 infra.

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Nominations to the Cuddalore taluk board.

666 Q.—Mr. R. SRINIVASA AYYANGAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(1) the reason for not nominating an Adi-Dravida to the taluk board of Cuddalore in the vacancy recently caused by the resignation of a member, especially in view of the fact that there is no member of that community on that board;

(2) the reason for nominating to the said taluk board Mr. S. Palaniyandi Chetti, a nominated municipal councillor, in preference to an Adi-Dravida;

(3) the reason for nominating four out of five members from the headquarters (Cuddalore) instead of from the taluk generally; and

(4) whether there is any reason to believe that there is not a single Adi-Dravida in the Cuddalore taluk fit for nomination to the said board?

A.—The Government have no information. The attention of the hon. Member is invited to clause (b) of sub-section (4) of section 9 of the Madras Local Boards Act, 1920, under which the president of the district board appoints members to nominated seats on the taluk boards.

Representation of depressed classes in taluk boards of North Arcot.

667 Q.—Mr. A. TANGAVELU NAYAKAR: Will the hon. the Minister for Local Self-Government be pleased—

(a) to furnish information as to the number of taluk boards in the North Arcot district, and to state whether it is not the intention of the Government in having increased the number of elective seats on local bodies, that nominations should, as far as practicable, be made from the depressed and backward communities;

(b) to state the number and names of such nominations in the respective taluk boards in the district; and

(c) to state whether it is a fact that in the Ranipet taluk board a member of the Vellala community who is a village monigar and an influential citizen and was also the president of a union board has been nominated as a member; and whether the Government will be pleased to ascertain what necessitated the taking of such a course by the district board, North Arcot, thus frustrating the object of reserving the nomination seats?

A.—(a) There are six taluk boards in the district. The hon. Member's attention is invited to sub-section (5) of section 9 of the Madras Local Boards Act, 1920.

(b) Taluk Board.	Number.	Names.
Vellore ..	1	M.R.Ry. A. Ramaswami Avargal.
Ranipet ..	1	" M. Tanikachalam Pillai Avargal.
Cheyar ..	1	" V. Muniswami Pandaram.
Tiruvanna- malai.	..	Nil.
Polur	Nil.
Tirupattur ..	1	M.R.Ry. S. M. Muniswami Pillai Avargal.

(c) The Government have no information.

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APPENDIX A.

[Vide answer to question No. 664 asked by Mr. R. Srinivasa Ayyangar at the meeting of the Legislative Council held on the 22nd December 1922, page 1170 supra]

Report.

Clause 4.—The Government understand that the Adi-Dravida who was formerly in the Cuddalore taluk board is now a nominated member of the district board and that no other suitable member of that community is available. An Adi-Dravida could not be appointed to the Chidambaram taluk board as the owner of the rented house in which the taluk board office is located has objected to the Adi-Dravida entering the premises. To get over this difficulty, steps are being taken to construct a building for the taluk board office.

A Vania (oil-monger) M.R.Ry. V. Rajagopala Chettiyar Avargal, B.A., Pleader, has been appointed to the Cuddalore taluk board and a fisherman M.R.Ry. K. Ramaswami Nattar to the Chidambaram taluk board.

Clause 5.—M.R.Ry. D. J. Rajanayakam Avargal, B.A., L.T., a member of the Chidambaram taluk board, is a Protestant.

Clauses 6 and 7.—It is not possible to appoint members to represent the various innumerable communities as the number of seats for nomination is very limited and the communities referred to in section 9 (5) of the Act have to be given preference.

APPENDIX B.

[Vide answer to question No. 665 asked by Mr. R. Srinivasa Ayyangar at the meeting of the Legislative Council held on the 22nd December 1922, page 1170 supra.]

President's letter.

I have the honour to furnish answers to the question referred to in Government Memorandum No. 17203-1, L. & M., dated 24th November 1922 :—

Clause 1.—The answer is in the affirmative.

Clause 2.—Persons defeated at the polls are not disqualified under the Madras Local Boards Act for being appointed to local boards.

Clause 3.—All the gentlemen referred to in this clause were nominated in the best interests of administration of the taluk boards to which they were respectively nominated.

II

FLOODS IN THE VAIGAI.

The RAJA OF RAMNAD :—“ May I crave your permission, Sir, to ask the hon. the Revenue Member to give us some particulars about the damages done to property and life in the two districts of Madura and Ramnad by the recent floods in the Vaigai and in other rivers? I have already given private notice of this to the hon. Member.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“ I am sorry I have not got at the present moment a detailed or complete report about the extent of the damages caused by the recent floods. But as there is a great desire on the part of the hon. Members who represent

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the southern districts for some official information about the extent of damage, I have certainly no objection to tell the House the exact position of affairs as far as it is now known. The first information which was received by us about Madura was by means of a telegram from the Collector of that district in which he says :

Heavy floods in the Vaigai from the first damage reported Tiruppavanam. Other reports not received owing interruption post, telegraph. Railway breach on all lines Madura. Ramnad reports no floods damage.

"He followed up this telegram by another, on the 3rd December, in which he merely stated :

Railway breached many places. Madura to Ramnad damage crops. Tanks flood now abating.

"This was again followed by another telegram on the 4th December in which he informed the Government that there were unprecedented floods throughout the Madura district from the 1st instant, that in the Madura town 900 houses had collapsed, that the damage in the town was estimated at two lakhs, that the river was running almost touching the railway bridge girders, that the railway and the road bridges were safe, and that two men were drowned; 'All railway lines breached. For one week communications Madura-Kodaikanal Road by road and thence by railway possible. Periyakulam town suspension bridge washed away. Many houses damaged. Roads and bridges damaged throughout district. Estimated damage forty thousand rupees. Known casualties two. Many tanks breached. Periyar lake rose one foot in four hours and reached one foot above F.T.L. Lake escape fully open for first time in history. Periyar main canal badly breached involving probably three weeks closure for repairs, affecting whole delta. Fine weather since Saturday. River steadily falling.'

"I may at once tell the House that this is all the information we have
11-15 a.m. and this is being placed before the public. It is now in print and copies will be laid on the Editors' Table as well as communicated to hon. Members of this House.

"So far as Madura is concerned, we have not yet received any further report. As the damage reported in these telegrams seems to be widespread, I assume that the officers concerned are making fuller enquiries to furnish the Government with accurate information, and, when it is received, I shall consider whether that too should be communicated to everybody concerned.

"As regards Ramnad, Sir, the first information we had was by means of a demi-official from the Collector of Ramnad. In it he told us :

The Vaigai came down in heavy freshes on the night of the 30th November and on 1st December. The flood reached Ramnad district on the early morning of the 1st December and Ramnad itself only on the 2nd evening. Hence no damage on the Ramnad side was reported in my telegram to the Government on the 2nd. I have not been able to get communication with Ramnad to know whether the big tank there has breached across the railway; but I understand that it has done so; at any rate, the railway is breached there, and at numerous places between Ramnad and Madura. So far as I have heard, the towns on the bank of the river are safe, with, of course, damage to houses. The road from Madura along the river is impassable, the first breach being beyond the Madura toll-gate. The country affected is the part of Sivaganga and Ramnad zamindaries, lying south of the river, and this is, for the most part, sparsely inhabited and sparsely cultivated. Being permanently settled estates, they are not entitled to any remission of revenue. The Sub-Collector and the Executive Engineer are at Ramnad, which is the town most in danger, and there is still railway communication with Mantapam from there. The Tahsildar at Paramakudi reported all safe. As at Sivaganga, tahsildar will be unable to reach the area beyond the river. I have deputed my sarishtadar to the charge of that

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section. The floods have now abated considerably and it should be possible to start repairing the damage. Rail communication with Dhanushkodi will be interrupted for some time. The Railway line between Madura and Pasmalai breached, cutting communication with the Sivakasi Division. Transhipment is possible here, and the line is almost restored. There were floods in the Satur taluk also, I am informed, but not of importance.

"This demi-official of the Collector of Ramnad is dated 4th December and a copy of it has been sent to the Board of Revenue also. The Board of Revenue had on the 6th December asked the Collector to send a detailed report officially on the subject and that report is yet awaited."

Mr. T. C. SRINIVASA AYYANGAR:—"Has no information been received about the damage done to the town of Ramnad, to a portion of the town of Tirupuvanam, and also to the town of Tirupallani?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"All the information I have been able to get, I have already placed before the House."

Mr. T. C. SRINIVASA AYYANGAR:—"Has no information been received about the breach of railway line between Madura and Ramnad? I believe breaches occurred in as many as fourteen places on the railway line between the two places."

Mr. SAIYID IBRAHIM RAVUTTAR:—"I wish to know whether there are any Muhammadans among the casualties that occurred during the floods."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"We have not yet started a census of casualties on communal lines" (Laughter).

Mr. T. C. SRINIVASA AYYANGAR:—"I wish to know whether the hon. the Revenue Member will call for a detailed report about the extent of damages done to house property in villages as also to crops and to tanks."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I have only to repeat that I am awaiting a detailed report from the Collectors of the two districts. With regard to the extent of damages to railway lines, I do not know whether the hon. the Home Member has got any further information."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I wish to ask whether in view of the fact that some accounts of the damages caused by the flood have been appearing in the Press for over a fortnight, the Government did not think it necessary on their part to call for a more detailed report than what is contained in the two brief telegrams and the demi-official just now read by the hon. the Revenue Member. I understand that the hon. the Revenue Member is waiting for the Board of Revenue and the Collectors to make a detailed report. I am afraid that they will take a long time to send a fuller report. In view of the responsibility of the Government to this House, I think the Government should have already obtained a detailed report regarding this widespread calamity and placed it before the House. The Government were aware in the beginning of this month that this House would shortly assemble and therefore they should have, of their own motion, placed fuller information before the House. Such a long interval ought not to have been allowed to lapse. Urgent orders may have to be passed to repair immediately the damages caused and for this purpose the Public Works Department may have to be strengthened temporarily. I am afraid that by the time the fuller report is received the necessity for repair

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will disappear and damages may occur which can have been prevented by prompt action on the part of local officers. I wish to observe that the Government also have a certain amount of responsibility to see that action is initiated promptly especially in the case of a calamity of such a widespread nature."

MR. C. RAMALINGA REDDI :—" May I know, Sir, what steps have been taken to repair damages caused to railway lines by the floods ? "

The hon. Mr. A. R. KNAPP :—" With regard to the breaches on the railway lines, we have, of course, received reports that all of them have been repaired and therefore I think it is not necessary for my hon. friend to pursue that matter further. "

The hon. Mr. K. SRINIVASA AYYANGAR :—" Sir, I had a report on the breaches in the Periyar channel, and, by the kindness of the Kallar officer who had sent us nearly 4,000 Kallars, the breaches have all been completely repaired, or they have all been very nearly completely repaired. "

The RAJA OF RAMNAD :—" Am I to understand that since the railway line has been restored, there is nothing more to be done in that matter ? May I bring to the notice of the hon. the Home Member and of this House that all these calamities were solely due to the inadequate openings in the railway line for the passage of drainage water ? If sufficient culverts and bridges had been constructed on the railway lines, all these damages to house and property could have been avoided and the floods would have easily drained. It is owing to the inadequacy of culverts and bridges that the water spread into the villages. "

MR. T. C. SRINIVASA AYYANGAR :—" May I request the hon. the Home Member to call for information regarding the number of tanks over which the railway line from Madura to Rameswaram passes, the number of bridges which are constructed on the line abutting the big tanks which exist to the northern side of the line ? "

The hon. Mr. A. R. KNAPP :—" On the question of the number of bridges between Madura and Rameswaram, I am afraid I have not got information at present. After what has been stated on the subject, I can only undertake to bring these comments to the notice of the railway authorities. "

The RAJA OF RAMNAD :—" That will really satisfy us, because we only want an investigation on the adequacy or otherwise of the railway culverts and bridges. "

III

ANNOUNCEMENT REGARDING GOVERNMENT BUSINESS DURING THE JANUARY MEETING.

The hon. Sir CHARLES TODHUNTER :—" Mr. President, in accordance with the undertaking given on the 19th instant, I submit to the Council the following statement of Government business which is likely to be taken up during the January meeting. It is expected that the report of the Select Committee on the Madras University Bill will be taken into consideration. It is not yet known whether the similar report on the Hindu Religious Endowments Bill will be ready for that meeting or will have to wait till the next. It is expected that the Irrigation Bill will be introduced. In addition to this there will be three minor Bills : a Bill to amend the District Municipalities Act, a Bill to amend the Local Boards Act and a Bill to

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make certain small amendments in the Stamp Act. These are the legislative measures which the Government have in contemplation, and they have not, at present, before them any other Government business which is likely to be ready in January with the exception of one or two supplementary demands."

IV

COMMITTEE TO SUGGEST WAYS TO EXPEDITE THE DISPOSAL OF NON-OFFICIAL BUSINESS.

The hon. the PRESIDENT :—" With reference to the complaint made the day before yesterday about the congestion of non-official business by the hon. the Deputy President and others, and my remarks on the subject, and with reference also to the motion tabled by the hon. Member Mr. P. T. Rajan, I have decided to appoint a committee of the House to consider the whole question and report how far the congestion can be avoided and what changes, if any, can, in their opinion, be made to ensure that object.

"I request the following hon. Members to be so good as to serve on the Committee :—

- | | |
|---|-----------------------------------|
| 1. Diwan Bahadur P. Kesava Pillai (Deputy President). | 8. Mr. C. Ramalinga Reddi. |
| 2. Mr. R. Venkataratnam Nayudu. | 9. " O. Tanikachala Chettiyar. |
| 3. Sir T. Desika Achariyar. | 10. " P. T. Rajan. |
| 4. The Rev. W. Meston. | 11. " M. Ramachandra Rao Pantulu. |
| 5. Mr. M. Ratnaswami. | 12. " M. Krishnan Nayan. |
| 6. The hon. the Raja of Panagal. | 13. " Muhamad Usman. |
| 7. Mr. T. A. Ramalinga Chettiyar. | 14. " T. Arumainatha Pillai. |

"Should the Committee consider any amendment to the Standing Orders necessary to give effect to their recommendations, they are requested to be so good as to state what those amendments are. The Deputy President will preside over the deliberations of the Committee and the Secretary to the Council will be the Secretary to the Committee.

"In view of the appointment of the Committee, I trust that the hon. Member Mr. P. T. Rajan will not consider it necessary to make his motion."

The following motion was withdrawn :—

Mr. P. T. RAJAN :—

That this Council resolves to request the hon. the President to appoint a committee of the House to consider and report on suitable methods for the quick disposal of non-official business, chiefly resolutions.

Mr. C. RAMALINGA REDDI :—" May I ask the hon. the Leader of the House whether it will not be possible to allot some time for the discussion of the various resolutions which have been tabled. At the rate at which we are progressing, I am afraid that not a single resolution will be discussed till the 31st March 1923, when the Council will be prorogued. The only influence that this mode of transacting business has on the hon. Members is that when once they send notice of a resolution, they feel that nothing more is left for them to be done because the resolution is not at all likely to be discussed in the Council."

The hon. the PRESIDENT :—" As the hon. Member Mr. C. Ramalinga Reddi is on the Committee, I have no doubt that he will make his influence felt. If he is able to convince the members of the Committee that he is in the right, the Committee may embody his views in its report."

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Mr. C. RAMALINGA REDDI :—" My submission to the hon. the President is that the Committee will take some time to submit its report; such being the case, will it not be possible to allot some time for the discussion of resolutions either at this meeting or at the January meeting? I am not sure when the report of the Committee will be ready and until then the resolutions cannot be taken up for discussion. Some of the resolutions deal with matters of importance and they are badly affected by the way in which we are proceeding now."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" From the statement of the hon. Sir Charles Todhunter as regards Government business for the next meeting, it is quite clear that all the five days will be taken up in the discussion of the University Bill, the Irrigation Bill, etc. In view of that fact may I suggest, as it is the wish of the House that non-official business should also be taken up at that meeting, that we may consider the advisability of extending the period to some more days?"

" I have to offer one other remark. As regards non-official business of an urgent character, viz., resolutions included in the agenda, if the House unanimously desires you to depart from the existing practice, I would suggest for your consideration whether you may not, in the exercise of your discretion and with the full approval of the House, allow precedence to such resolutions as you consider to be of urgent importance. If these suggestions are adopted I should think that the end in view of hon. Members will be attained. I only submit it to you for your consideration. With the approval of the House you may suggest any suitable course for its adoption."

The hon. Sir CHARLES TODHUNTER :—" May I say on behalf of the Government that the Government are perfectly willing to continue to sit for as many days as you may prescribe? We have no wish to shut out any non-official business. So far as we are concerned, we are ready to sit as long as you think fit, Sir. As regards the second suggestion, I am afraid it involves a departure from the Legislative Council instructions contained in the Standing Orders. I leave it to you Sir, to say whether such a departure may be made with or without the consent of the House. I venture to think that we are bound by the rules until we alter them."

The hon. the PRESIDENT :—" The duration of the next meeting is entirely a matter for us to decide, and it is not a matter in which the Government have any voice. I would let the House have as many days as they may want in January. What does Mr. M. Ramachandra Rao propose as regards the duration of the next meeting?"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I would suggest two more days in addition to the five days which will be taken up by Government business, altogether seven days, excluding Sundays and holidays."

This suggestion was put to the House and it was decided that the Council should sit for seven working days from January 29."

The hon. the PRESIDENT :—" As regards the other proposal, if it is the wish that I should discriminate between urgent and non-urgent matters, I would rather deprecate it. Because, hon. Members may remember that when we began two years ago, we for some time worked in that way, leaving it to the Secretary to arrange the business according to the order of

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importance. I believe that his arrangement was so good that it met with the unanimous approval of the House. If I remember right, it was the then Leader of the House, the hon. Sir Lionel Davidson, who objected to this procedure on the score that he wanted that the Standing Orders should be carried out, and I felt that he was right because, after all, the Standing Orders express the wish of the House, and it is my duty to carry them out so long as they are there. Even apart from the technical aspect of the question, I would rather that it were not left to me to decide what is urgent and what is not urgent."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I suggested this not as a permanent solution of the difficulty but as a temporary expedient in view of the fact that there are resolutions, like the one on Tanjore Settlement, on which the House will have no opportunity to express its opinion, if they are not discussed until we disperse at the end of March. I may state for your consideration that when the Government of India Bill was considered, the House of Commons resolved that the discussion should come to an end in four days, and permitted the speaker to select the amendments which he considered to be urgent or important. I do not wish that we should deviate from the ordinary practice settled by the Standing Orders. But if there are matters of importance which cannot be discussed under ordinary circumstances, it is for the consideration of the House and for you, Sir, to decide what should be done."

The hon. the PRESIDENT :—"After all is said and done, we are still bound by the Standing Orders and not by any procedure adopted elsewhere. The suggestion made by Mr. Ramachandra Rao is a matter for the consideration of the Committee which we have appointed. As for the fear that the Committee may take an unduly long time, I think if the hon. the Deputy President puts a little of his vigour into it, it need not prolong its labours; in fact, there is no reason why the Committee should not sit to-morrow and give us its report the next day. ('Hear, hear' from Mr. Ranganatha Mudaliyar.) It will not take much time, and when the Committee's report comes under the consideration of the Council, hon. Members can move such amendments to the Standing Orders as they consider necessary. Till then we must abide by the existing rules and orders, but we can take any amount of time for our own work. If the hon. Members find that the period of two days which we are taking is insufficient at the end of the seven days in January next, they can get over the difficulty by telling me that it is their unanimous wish to sit for two or three days more. These things are entirely in the hands of the Council. I shall be very glad if hon. Members use their undoubted powers to regulate their own business. I am wholly in their hands. There need not be any doubt about it."

Mr. C. RAMALINGA REDDI :—"Sir, what I want to draw attention to is that the only way by which popular opinion can be brought to bear upon the Government, as at present, is by passing resolutions in Council. It is these resolutions that will guide the members of the Finance Committee in adjusting the budget; but if private business is allowed to accumulate like this, I do not know how the Finance Committee will be able to mould the policy of the Government in framing the budget, etc. I think this question requires consideration, and that we should sit for a longer period, if necessary in January, to get through private business."

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V

ANNOUNCEMENT REGARDING THE APPOINTMENT OF THE CHAIRMAN
OF THE SELECT COMMITTEE ON THE MADRAS HINDU RELIGIOUS
ENDOWMENTS BILL, 1922.

The hon. the PRESIDENT :—" I have to announce that I have appointed the hon. the Raja of Panagal to be the Chairman of the Select Committee on the Madras Hindu Religious Endowments Bill, 1922."

VI

A BILL TO PROVIDE FOR THE REORGANIZATION OF THE MADRAS
UNIVERSITY, 1922.

The hon. Rao Bahadur A. P. PATRO :—" I beg to present the report * of the Select Committee on the Bill to provide for the reorganization of the Madras University."

VII

THE MADRAS SURVEY AND BOUNDARIES BILL, 1921—cont.

Clause 19—cont.

The House resumed consideration of clause 19 of the Madras Survey and Boundaries Bill.

Mr. C. V. S. NARASIMHA RAJU :—" Mr. President, yesterday I was speaking about the apportionment. If I remember right, the hon. the Revenue Member said that by the provision in the clause about apportionment, a portion of the cost might be borne by the Government under the rules that were to be framed. I do not think that the provision, as it stands now, allows such a thing; for, it clearly mentions how the amount is to be apportioned, among whom it is to be apportioned, etc. It clearly states that the cost is to be apportioned among the persons who have any interest in the estate, portion of the estate or boundary of which the survey has been ordered. It does not make any mention that it can be apportioned to the Government as well. Of course, in clause 15, the word 'apportion' has been used but among whom the cost is to be apportioned has not been stated. Therefore, there is latitude given for apportioning the cost even as regards the Government. But now, as the clause stands, a possibility does exist. Therefore the interpretation intended to be put by the hon. the Revenue Member is not warranted by the words of the clause. The word 'apportioned' is used there, I think, having bearing to the provisions of the Irrigation Cess Act. Under the Irrigation Cess Act, as amended, it is clear that the Government has the power of apportioning, as between the zamindar and the ryot, how the irrigation cess has to be paid. I hope the rules will be framed analogous to those of the Irrigation Cess Act. As a matter of fact, whenever survey is effected by the Government for the better management of irrigation cess, the whole cost of it is borne by the Government. Now, the whole thing is thrown upon the zamindar or the ryot, and no portion of it upon the Government. It is a clear injustice from the standpoint of the zamindar or the ryot. Therefore the whole reference to clause (b) (i) in this section is clearly unjust and has to be deleted."

* Vide Appendix C on page 1221 infra.

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Clause 19—cont.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I entirely support the principle of the amendment of my hon. friend, 11-45 a.m.

Mr. Ankinedu Prasad Bahadur. The question is this. Up to the present day, taking the districts with which I am familiar, the question of the collection of the irrigation cess in the zamindari areas has been a matter of a certain amount of controversy. For some years, the Government employed revenue inspectors to measure the extent of irrigation with Government water in the zamindari areas. The Government found that in some years there were considerable frauds practised by the subordinate officials. In order to prevent these frauds, the Government ordered a survey of these areas, and the surveys have been conducted, and the costs thereof have been entirely borne by the Government from the provincial funds, the reason being that it was a legitimate expenditure of land revenue collection. So that hon. Members will see that neither the zamindar nor the ryot contributed anything for the water-cess survey which was mainly intended for the purpose of land revenue collection and not for the benefit of the zamindar or the ryot. Hon. Members can very well apprehend that by the next session a portion of the survey charges may be sought by the Government to be levied from the ryots also. It is clear that the ryot and the zamindar may be saddled, if the provision is allowed to exist, with the costs of the survey which up to the present moment come entirely from the provincial revenues. On the injustice of the proposal I am absolutely clear, and this is really a deliberate attempt on the part of my hon. friend to impose a liability on persons who have not paid hitherto a single pie for these surveys as they were mainly intended for Government purposes. The best way of carrying out this intention will be to *strike out* the words:

and such portion of the cost of the survey under clause (b) (i) of the section as the Local Government may prescribe

and leave the rest of the clause as it is. That will best carry out the intention underlying this amendment and will also be in accordance with the other amendment standing against the name of my hon. friend, Sri Mekha Apparao Bahadur, to omit the words '*and such portion of the cost of the survey under clause (b) (i) of the section as the Local Government may prescribe.*' That is in fact the request made by the amendment of my hon. friend, Mr. Ankinedu Prasad Bahadur. I give my support to it not necessarily for the reasons adduced by the hon. Members representing the zamindars in this House but for this reason, viz., that the survey is entirely a Government measure intended to facilitate the levy of irrigation cess and that up to now neither the zamindar nor the ryots have been paying towards the costs of the survey. I support the amendment and I suggest that the idea may be carried out by the omission of the words mentioned above."

The RAJA OF RAMNAD:—"I support this amendment. I find, Sir, from the proceedings of yesterday that the hon. the Revenue Member said that the zamindar should pay for the costs of the survey as he derived some benefit from it even when the survey was made for the benefit of the Government. But when the survey is made at the request of the zamindar, I do not find a similar provision requiring the Government to pay a portion of the costs though they also derive considerable benefit from the survey. I think that in a matter like this there should be reciprocity. Further, as one who has

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Clause 19—cont.

had bitter experience of the matter, I can safely assert that the disadvantages to the zamindar from the survey far outweigh the resulting benefits. As a matter of fact, private lands belonging to the zamindars are included in the lands of the ryot; and, when objection is taken, we are asked to wait till the final stage when under section 11 or so we are required to file a land complaint. So we lose our rights over the land and the land is registered in the name of the ryot. The zamindar is required to file a land complaint and prove that the land was his. We have been asked to do so at considerable inconvenience and therefore I may assure the hon. the Revenue Member that even though the zamindar gets some benefits the disadvantages that result from the survey are considerable. But in a case like this, where the survey is made for the purpose of levying the irrigation cess, I think, the Government ought to bear the entire cost, and not ask for any contribution from the zamindar, unless it be that the Government are equally prepared to contribute towards the cost, when the survey is made at the instance of the proprietor. This amendment is very opportune inasmuch as the zamindars are threatened with an Irrigation Bill. I heartily support the amendment."

The hon. Sir CHARLES TODHUNTER :—" Sir, as I had something to do with the origin of the sub-clause in question, I should like to say a few words at this stage. I should like to start with the proposition that no rational estate management, especially of an estate involving valuable irrigated land, is possible without a survey. I would urge that as an axiom. A zamindar who has valuable irrigated land and does not have it surveyed is not doing his duty to his estate or to his tenants. I have nothing to do with the question whether a particular zamindar is satisfied with the way in which a particular survey is carried out. I am dealing with the question of the proper estate management of valuable irrigated land owned by a zamindar. The only question is whether the zamindar shall be in a position to compel the general taxpayer to pay towards the cost of the survey. Here is a zamindar whose land has been enhanced in value because of the irrigation thereon, and, instead of his paying something more, he is going to compel the general taxpayer—for, that is the same thing as compelling the Government—to pay the cost of the survey. He compels the taxpayer to survey his land in order that the Government may levy the very moderate water-rate that is imposed upon it, and he is thereby enabled to secure the making of this very costly survey, which otherwise he would have to pay for himself, in order to regulate the relations between himself and his tenants. He fails to do his duty, but gets a big gift in the shape of the water and he also gets the benefit of a survey at the expense of the general taxpayer. That is the claim underlying this amendment and I hope the House as representing the taxpayer will repudiate it unanimously."

Rao Bahadur T. BALAJI RAO NAYUDU :—" Sir, I beg to say, with reference to the hon. the Finance Member's speech, that the zamindar gets no benefit at all as a result of the survey. The land assessment remains as it was before, but the water-tax is increased. The zamindar cannot, on account of the increase, enhance the rent that he charges from the ryot. So, practically, the zamindar gets no benefit. I do not think that the survey made for purposes of levying irrigation cess is any justification for the Government to levy the charges from the zamindar. As regards the proposal that when the survey

[Mr. T. Balaji Rao Nayudu] [22nd December 1922]

Clause 19—cont.

is made at the instance of the zamindar or one-fourth of the ryots of a particular estate, a portion of the costs must be paid by the Government, the question does not arise. Where the Government have undertaken to pay the costs of the survey, I think, in practice, in none of the kinds of surveys do the Government pay. The only few kinds of survey which are known to us in these parts are the survey in cases of disputes between the zamindar and the ryots and the water-tax survey. The third kind is not practically given effect to in these districts. If item 2 is removed, I think it will be a step in the right direction. I therefore support the amendment."

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I am in sympathy with this amendment. To my mind, there is no reason why the zamindar should be made to pay for the costs of the survey which is undertaken by Government for the levy of the irrigation cess. The hon. the Revenue Member said yesterday that after the survey was undertaken the zamindar might derive a benefit. He concluded therefore that it was reasonable that the zamindar should be made to pay the cost of it. I submit that the reasoning is not convincing. There is no reason why for a possible future benefit which the zamindar is not willing to have and which is sought to be enforced upon him, he should be made to pay immediately the cost of the survey undertaken under sub-sections (a) and (b). It seems to me that the position taken by this amendment is a reasonable one, and I think it should be supported by this House. My hon. friend, Sir Charles Todhunter, said that this amendment would throw the additional burden upon the general taxpayer and added that the representatives of the taxpayers should see that this additional burden did not fall upon them. We should look at the question from the point of view of justice and it seems to me that, even if it becomes necessary that the general taxpayer should pay, it should be distributed over the whole Presidency. I think it is reasonable that the person, who, at best, derives a possible benefit on a future occasion, should not be made to pay the costs."

Dr. P. SUBBARAYAN :—"I rise to support the amendment. The hon. the Finance Member said that it was the duty of the proprietor to have his estate surveyed for the benefit of himself and of his tenants. I demur to the proposition for the simple reason that the Government have at their disposal the whole survey staff to keep the records and everything connected with the survey of lands in order. If any record or plan is missing, the proprietor cannot himself make the plan but will have to apply to the Land Records Tahsildar who gets the plan ready or if any survey stone is missing places the stone in its right place and recovers the cost from the proprietor who, in turn, has to recover it from the ryot. The benefits which accrue to the zamindar or the ryot from the survey are not so very much to be glorified as the hon. the Finance Member did. I have personally experienced many difficulties and I know of many instances where, in spite of the survey, much trouble is felt in locating the boundary stones. The hon. the Finance Member then said that, for the purpose of levying the irrigation cess, the Government have a right to have the estate surveyed. In the first place, it is admitted by many decisions of the High Court, as well as of the Privy Council, that all water running through an estate belongs to the estate, and now the Government very likely want to

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[Dr. P. Subbarayan]

Clause 19—cont.

get behind the decision by means of a clause like this. Very likely the hon. the Revenue Member will have the support of the hon. the Law Member who has a similar provision in his Irrigation Bill which was hanging over our head but which fortunately has been postponed for the time being. The sword, however, is still hanging over our head and may fall on us the next session probably.

“The amendment suggested by my hon. friend, the Raja of Chelapalli, is very reasonable. As the Government have all the benefit of the survey of an estate for the purpose of levying the irrigation cess, the amendment should be accepted. All that talk of money coming from the general tax-payer is mere chimera. No doubt the Government get money from the general tax-payer, and, if the Government are going to have any benefit, the general tax-payer is going to get the benefit also. In such a case the general tax-payer should pay as he benefits by the Government levying the irrigation cess. If the Government are not prepared to pay for such a survey, I think it will be better for the hon. the Revenue Member to delete clause *b* (ii) from this Bill and leave it as it was before. They could have power to survey the estate even for the purpose of levying the irrigation cess by stating the reasons for it. I hope the House will not be carried away by the peroration of the hon. the Finance Member but will accept the amendment of my hon. friend.”

MR. S. ARPUDASWAMI UDAYAR:—“Sir, the point raised by my hon. friend, the Finance Member, has not been well answered. I do not know why they are so very eager to release the zamindars and make the cost fall upon the general tax-payer. I know that the usual practice is for the zamindars to share it with them. I should certainly oppose the amendment.”

RAO BAHADUR A. S. KRISHNA RAO PANTULU:—“Sir, the apprehensions of my hon. friend, Dr. Subbarayan, have proved true, for the previous speaker has been carried away by the remarks of the hon. the Finance Member. I believe the tax-payer is very anxious that there should be no unnecessary burden added. But in this particular case, can any one contend that the zamindar should be called upon to pay the cost of the survey when the survey is undertaken not at his instance but ‘for the better or more convenient assessment or levy of irrigation cess’? If that is so, then I submit there is no ground for that position. And the possible advantage the zamindar may derive is not a circumstance which should be taken into account. I therefore support the amendment.”

MR. S. SOMASUNDARAM PILLAI:—“Mr. President, it is well known that whoever derives the benefit of a particular action must pay for the benefit. Now, the question is whether the Government derive the benefit or whether the zamindar derives the benefit. In clause *b* (i) it is said:

Without such application whenever, in the opinion of the local Government, such survey is necessary for the better or more convenient assessment or levy of irrigation cess, etc.

“The question is, is it convenient for the zamindar or for the Government? If it is for the zamindar, he must be compelled to pay, and if it is for the Government, certainly they must pay for it. If the land is surveyed on the application of the zamindar, he must be asked to pay, and if in the absence

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Clause 19—cont.

of an application the Government think there is a necessity for survey for the purpose of better or more convenient assessment, for whose benefit is it done? Certainly it is for the benefit of the Government and I do not see any reason why they should not pay for it inasmuch as the zamindar is in no way benefited by it. Such being the case, there is no rhyme or reason in proposing that these expenses should be paid by the zamindar. Of course, each one tries to throw the burden on the other; the Government wish to put it on the zamindar and the zamindar in his turn asks the Government to pay. But the balance hangs heavily against the Government in this case, and Government must pay in all justice. With these few words, I feel bound to support the amendment."

Rao Bahadur K. GOPALAKRISHNAYYA :—"I rise to support the amendment moved by my hon. friend, the Raja of Chelapalli. This clause lays an obligation on the landlord that he should pay all the expenses incurred in connexion with the survey, including the expenses of the notification in the Gazette, if the Government thinks that a survey is necessary and that it will be beneficial to the landlord. Let us examine the circumstances under which the Government may be under the impression that the so-called survey will be useful and beneficial to the zamindar. Even for the purpose of irrigation cess, it is not a very difficult matter; for there is the survey party, always ready to do some survey business. If the survey marks are disturbed, then we have the penalising provisions in the Penal Code under which any one should be afraid to touch these survey marks. Only yesterday, we made a provision that not only the *pattadar* but also the owner or occupier should be under an obligation to maintain the survey mark. When there are so many obligations upon the owner and occupier, it cannot be said that they will not be in good order. And I do not see any reason why the Government should apprehend any other difficulty necessitating the survey of the land except on its own initiative. In these circumstances it will be a great hardship on the landlord to bear this burden of the survey expenses for purposes which are necessary only for the benefit of the Government. And, as such, Government should bear the expenses because the survey is intended to be started on its own initiative. It is only just that the landholder should under the circumstances be disburdened of this additional expense."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, I was somewhat surprised at two of the members of the Select Committee, who sat round me for the purpose of discussing the provisions of this Bill, and who signed the report of the committee unanimously without any minute of dissent, expressing to-day their opinion against it; at any rate, so far as the report is concerned. I fully recognize that my hon. friend, Dr. Subbarayan, made a feeble attempt in the Select Committee to try and introduce some improvement in the existing Bill. But, if I remember things aright, I think, I was able to convince him of the indirect benefit . . .

Dr. P. SUBBARAYAN :—"I do not think that the hon. the Revenue Member succeeded in convincing me. I stood alone, and I then thought there was no use of breaking my head against a stone wall, and I was content to leave things as they were. Now that there is an amendment tabled, I am expressing my views on the matter."

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Clause 19—cont.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"At any rate, I assumed that I was able to convince him inasmuch as I found that he had signed the report. Probably, when he now tells me that he found himself almost against a stone-wall, and that stone-wall on that occasion being myself, I do not know how the value then attached and the difficulties then experienced have now disappeared."

Dr. P. SUBBARAYAN:—"As a point of personal explanation I may say that Mr. Balaji Rao Nayudu and Mr. Krishnan Nayar were among the stone-wall; but now I find that they have fallen off like bricks and they are not the stones that I took them to be" (laughter).

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I can only emphasise what I said yesterday, and I want the zamindars to realize that they should not put any burden on the general tax-payer more than what they are willing to bear."

"In the case of the ryotwari lands we conduct the surveys, in the first place for the purpose of determining the extent of a particular holding; we do it also for the purpose of ascertaining whether the assessment that is being paid into the public coffers is correct, or whether it should be enhanced in proportion to the extent of the holding and other circumstances which might have arisen. Therefore, the Government get a benefit from such survey. But the tenant also gets the benefit of the knowledge that his holding is of a particular extent, so as to prevent the adjacent landholders from encroaching on his own land which it will be perfectly easy for them to do if the ryot has not any definite idea as to the metes and bounds of his own particular holding. In these cases also, it is true that the Government initiate the proposal for conducting the survey; but I shall contend, and I shall continue to contend, that while the Government does derive a benefit from such survey, I cannot persuade myself to believe that the zamindar in turn (or the proprietor) does not get any benefit at all. I think I have enumerated a few of the benefits which accrue to the proprietor as well, and I do not think that argument has been logically contradicted. In the case of ryotwari landholders, all that makes the ryotwari holder responsible for is the cost of the stone and of labour. As I said yesterday, when the Government makes rules for the purpose of determining the proportion which should be borne by the Government and the proprietor, the Government will certainly keep in mind the merits of the case, and determine what reasonable proportion of expenditure incurred in connexion with the survey conducted under (b) (i), should be borne by themselves and what by the proprietor keeping in mind the relative advantages to be derived by both."

"Then, Sir, I think hon. Members, are not aware of the fact that, even in Bengal, where there is the benefit of the permanent settlement, the Government now and again order the survey of particular holdings with a view to keep accurate and correct records of them. Even there, the cost of the survey is shared in certain proportion between the Government and the proprietors. This provision, therefore, in clause 19, whereby Government wish to take power to levy a proportionate cost of expenditure incurred, is nothing new; nor is it the creation of the imagination of the Madras Government alone. Then, Sir, my hon. colleague,

12-15 p.m.

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Clause 19—cont.

the Finance Member, who is certainly the vigilant guardian of the interests of the general tax-payer, has clearly pointed out that it will be rather hard for this House to hold that the tax-payer should be made responsible for things from which he does not derive a direct benefit. To that an answer was made that, inasmuch as Government derive their water-rate by the process of the survey which is conducted under clause 17 (1), the general tax-payer should be content with that result and regard the expenditure of money as productive. But, as I have already stated, Sir, if we are going to regard this as a sufficient justification for the expenditure of money, and are, therefore, going to exempt the proprietors, in general, from sharing a portion of that expenditure themselves, I am not quite sure whether the general tax-payer may not in return ask why he should not be exempted likewise, in future, from shouldering the responsibility of bearing a portion of the expenditure of the survey as he has been doing until now, on the plea that the survey invariably results in adding to the general revenues of the province. If that is the argument which is going to be adopted in this House for exempting the proprietors from the payment of any share of the cost of the survey, I am afraid the general tax-payer also will be entitled to utilize that argument in his own favour. Then the result will be that every survey, which is conducted in this province, will have to be wholly conducted at the expense of the general tax-payer, merely on the ground that every survey results in some increase of revenue to him. Viewed from any standpoint, I fail to see what justification there is to accept the amendment which I see the House—in a large majority I think—seems to be in favour of. So far as the attitude of the Government is concerned, I think I must only say, Sir, that Government will be glad if clause 19, as drafted by them, is accepted by the House. Of course, I have no reason to force my views on the House; they are at liberty to vote as they like; but all the same I wish to remind them of the fact that they should keep the general tax-payer more largely in their mind than a particular class of the tax-payer."

Amendment No. 49 was then put and declared carried.

The following amendments were not moved :—

Mr. M. SURYANARAYANA PANTULU :—

50. *Delete the words ' and such portion of the cost of the survey under clause (b) (i) of the section as the Local Government may prescribe '.*

Sri M. V. APPARAO Bahadur :—

51. *Omit the words ' and such portion of the cost of the survey under clause (b) (i) of the section as the Local Government may prescribe '.*

Sri M. V. APPARAO Bahadur :—

52. *For the words ' recoverable from such persons ' in lines 51 and 52 substitute the words ' recoverable directly from such persons '.*

Amendment No. 53.

Mr. M. SURYANARAYANA PANTULU :—" Sir, the amendment standing against my name reads as follows :—

53. *Delete the words ' unless otherwise prescribed by the law for the time being in force '.*

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Clause 19—cont.

“The original clause 19, as it stands, has the words
unless otherwise prescribed by any law for the time being in force.

“The amendment of S. R. Y. Ankinedu Prasad Bahadur also has the words
unless otherwise prescribed by any law for the time being in force.

“There is no law already in force in regard to this matter and if in future any law is going to be made, I really do not see any reason why.”

Rao Bahadur K. GOPALAKRISHNAYYA :—“I really do not see, Sir, how the amendment is in order, as the idea contained in the original clause is also contained in the new clause which we have just now passed.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“Clause 19 of the Bill has been replaced by a new clause which has just been passed by the Council. The words

unless otherwise prescribed by any law for the time being in force

“which form amendment No. 53, are part of the original clause which has been replaced by this new clause. Therefore, it seems to me, Sir, that this amendment cannot be moved : it is an amendment to the original clause which has been replaced by the new clause.”

Mr. M. Suryanarayana withdrew his amendment and the new clause 19 was declared to stand part of the Bill.

Clause 20.

The following amendments were not moved :—

Sub-clause (1).

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—

54. For the words ‘no tenant under a proprietor’ in line 11, substitute the words ‘no ryot in an estate’.

Sub-clause (3).

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—

55. For the words ‘tenants of a proprietor’, substitute the words ‘ryots in an estate’.

Amendment No. 56.

Sri M. V. APPARAO Bahadur :—“Mr. President, the amendment standing against my name is as follows :—

56. For all the words beginning with ‘shall be recoverable’ in line 21 substitute the words ‘shall be recoverable directly by the Government from the tenants.’

“Sir, in the clause there are three parties concerned—first, the zamindar; second, the zamindari tenant; and third, the Government. So far as the zamindars are concerned, I submit, Sir, that they can have no objection to pay their portion of the cost. But when it comes to a question of recovering it from the tenants, the zamindars cannot do it as easily as the Government. Therefore, Sir, if the costs are to be collected through the zamindars, there is sure to be a lot of litigation between the zamindars and the tenants. Government have already got enough of establishment for collecting kist, etc., and they are collecting in this way even the present irrigation cess. So, I submit, Sir, that this amendment may be accepted.”

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Clause 20—cont.

The ZAMINDAR OF MANDASA :—“ Sir, when a survey is carried on, it is not fair that the whole of the cost should first be realized from the zamindar alone, and that the zamindar should be left to collect detailed charges from the ryots. Most often we are driven to law courts to realize these amounts from the ryots. It is unnecessary for me to say that the ryots under the Estates Land Act have gone so far as to deny even the zamindar's authority in the matter. In such a state of things, it is unfair that the whole cost should be realized from the zamindar, and the zamindar be driven to the necessity of going to law courts to realize the amounts from the ryots. Government has the machinery to make the collections directly from the ryots, and, as arrears of land revenue, these expenses can be collected very easily through the Revenue department. It will be very difficult for us to collect these amounts. If they do not give, we shall have to go to the law courts. The weapon of Government is sharper than that of the Estates Land Act, which is a blunt one. The deputy tahsildar can go and distrain the property. So, it is very easy for the Government to collect the charges. Now that the permanent settlement is going on in my estate, the Government are able to collect from my ryots very easily. If they do not pay us, we shall have to go to law courts, and there will be the delay, the question of limitation, and all that. So I second this amendment.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“ Sir, I am afraid the hon. the mover of this amendment has not realized the legal difficulties which the acceptance of this amendment will involve. He assumes, I suppose, that a zamindari tenant is as well a ryotwari tenant. But I wish to repeat that the zamindari ryot is no more than a zamindari ryot, and that the collections which will be made from the zamindari ryot will be made only under the provisions of the Estates Land Act. He is not at all governed by the laws which govern the ryotwari ryot. Inasmuch as he does not happen to be a tenant under the Government, Government cannot recover from him anything directly. It is the proprietor who is responsible to the Government for the payment of certain sums of money. Government has in the first instance to collect it from the proprietor, and, inasmuch as the law gives power to the proprietor to recover either the whole or a portion of that expenditure from his tenant, it is up to the zamindar to claim and recover that sum from him through certain processes that have been specifically laid down in the Estates Land Act. The procedure laid down in the Estates Land Act is, I believe, well known to every proprietor in this House. I am not quite sure whether it is the intention of the hon. the mover of this amendment that the Government, whenever they want to collect a sum of eight annas from a particular tenant in the zamindari on account of survey, should at once send an application to the Revenue Divisional Officer and request him to collect the money on behalf of the Government. The law that will be applicable to sums due by the ryots in the ryotwari lands is the Revenue Recovery Act. I think the hon. mover does not in the least contemplate that the Revenue Recovery Act can have the least application in this case; for the Revenue Recovery Act will be applicable only to ryotwari tenants and not to the proprietary tenants. Thus, it will be seen, Sir, that it will not at all be possible for the Government to recover this money from the proprietary tenants.

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Clause 20—cont.

I think I heard the hon. the Raja of Mandasa say that, in connexion with the survey and settlement of lands that is now taking place in his zamindari, Government are collecting the money from the ryots directly. I may at once tell him, Sir, that it cannot be so under the Estates Land Act. I am therefore unable, Sir, to accept this amendment."

Mr. B. MUNISWAMI NAYUDU :—"When an application is made in pursuance of clause 17 (a), the survey is undertaken at the instance of the proprietor and not at the instance of the tenant. When the proprietor chooses to burden the ryot with the survey, Government has to charge the proprietor and it is improper for the Government to go against the tenant. This is a point which the mover of the amendment has not taken notice of. The proprietor wants the survey. Government undertakes it. The survey is made. Government has to be reimbursed. The ryot has absolutely no voice in the matter except to submit. In these circumstances, Sir, I do not see any fairness at all in saying that the ryot should pay in the first instance. Moreover, the ryot should welcome the change in the amendment for another reason. Whether he pays to the proprietor or not, the amount will be the same anywhere; but there is an advantage when the ryot deals direct with the Government. The Government will separately collect the money, whereas the proprietor will include it in the general amount. Then, Sir, it has been said by the Revenue Member that the Revenue Recovery Act does not apply to ryots in estates. May I point out that section 21 says that repairs can be made in an estate, and that if the survey marks are not maintained, the Government may do it and recover the cost from the tenants though it was an arrear of land revenue? Similarly, there will be absolutely no difficulty at all in Government proceeding directly in the case of surveys against tenants. But all the same I want that the proprietor should, in the first instance, be asked to pay and then collect from the tenants."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, as the clause now stands, the Government will have the duty of apportioning the cost of survey among the zamindar, the ryot, the inamdar and even the unenfranchised inamdar. The only question is how the amount is to be recovered. As the provision now stands the method adopted is rather a circuitous one. The zamindar will have to pay in the first instance and then recover it from the ryot. We know what will be the case if the zamindar were to recover it from the ryot. He will have to resort to the provisions of the Estates Land Act. If the Government were to recover it, they are to proceed under the Revenue Recovery Act. The machinery of the Estates Land Act is not as expeditious as the other, and is every expensive. It has been said that in the case of the zamindari ryot no proceedings can be taken against him under the Revenue Recovery Act. I am rather surprised to hear this from the hon. the Revenue Member. We are aware that a provision is made in the Revenue Cess Act whereby the cess payable by the ryot can be recovered from him directly by the Government under the provisions of the Revenue Recovery Act. I know, as a matter of fact, that it is the first direct dealing between the Government and the zamindari ryot in this province. When that principle has already been introduced and when the Government has got its own machinery for the collection of its dues through the village officials, who

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Clause 20—cont.

are their subordinates, I do not see any reason why Government should complain of the inexpediency of collecting it directly from the ryot. You will by adopting this amendment avoid the circuitous way of collecting the amount which has ultimately to be paid by the ryot, and you will directly collect the dues under the Revenue Recovery Act, which is a more convenient and expeditious measure than the Estates Land Act."

MR. M. SURYANARAYANA PANTULU:—"Mr. President, Sir, I cannot agree with Mr. Narasimha Raju in regard to the acceptance of this amendment. Hon. Members will find that clause 17 specially requires a survey of estates, at the instance of the zamindar, either for more convenient assessment or for levy of irrigation cess. In cases of sub-clauses (1) and (2) of clause 17 the question of apportionment does not arise. Clause 20 speaks of the apportionment of the cost of survey between the proprietor and the tenant. You will find that this survey is specially for the convenience and not for the benefit of the zamindar. It is the zamindar that has made the application for the survey of his estate, and it is at the instance of the zamindar the survey has been made. The cost of the survey has been deposited by him, and Government says that, although the proprietor has paid the cost of survey in the first instance, we should allow him to collect a portion of the cost from the tenant.

12-45 p.m. "Therefore, it is but reasonable that the proprietor should realize this money from the tenant. It is not part of the duty of the Government to take it from the tenant. I submit, therefore, that the clause, as it stands, ought to be allowed and I oppose the amendment."

The hon. MR. K. SRINIVASA AYYANGAR:—"Sir, I want to say a few words to clear the ground. Clause 19, as now amended, reads thus:

All costs incurred by the Local Government on account of a survey directed under clause (a) of section 17.

"That is, where a survey is applied for by the proprietor or proprietors, the costs

shall be recoverable from the persons who have any interest in the estate, portion of estate or boundary of which the survey has been ordered, as an arrear of land revenue.

"This provides for the recovery of the cost of the survey due to the Government from the proprietor or the proprietors or persons interested in the estate. Clause 20 provides for the recovery of the cost of survey due to the proprietor from his tenants. It does not provide for the recovery of the cost due to the Government from any person. It is for the purpose of providing a machinery to enable the proprietor to recover the cost of survey which may have to be borne by the tenant, that this clause is introduced. Clause 20 reads thus:

On the application of the proprietor of an estate in which any survey has been made the Local Government or any officer, or authority to whom this power may be delegated by it, may direct the survey officer to apportion among the holders of the lands or persons interested in the boundaries which have been surveyed the whole or a specified portion of the cost of such survey.

"That is, the amount which the proprietor, or the proprietors, or those who are interested in the zamindari property or the proprietary estate will have paid to the Government under clause 19 will, on the application of the

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Clause 20—cont.

proprietor concerned, be apportioned among the tenants, and the tenants will have to pay the amount thus apportioned to the proprietor. On the proprietor making the application, the Government will direct their survey officer to apportion the cost of the survey, which, under clause 19, will be payable to the Government by the proprietor, among the holders of the lands. When once it is apportioned, the tenant has to pay it to the proprietor and the proprietor is entitled to recover the amount as if it were an arrear of rent due to him from the tenant. Thus, clause 20 does not provide for the recovery of any money due to the Government from the proprietor to be levied directly from the tenant. There is no question of direct or indirect recovery from the tenant. Provision is made here for the recovery of the amount from the tenant by the landlord, the amount having already been levied from the landlord by the Government under clause 19."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I am afraid there is some amount of misunderstanding of the position, as has been pointed by my friend, the hon. the Law Member. Under clause 19—the amended clause—the proprietor pays all the charges in the first instance to the Government. That liability has already been established by the amendment of my friend Mr. Ankineedu Prasad Bahadur. The only question that we have to decide is whether, having paid the whole amount to the Government, the zamindar wants that the tenant should pay his proportionate amount to the Government and then the zamindar should recover it from the Government. I do not know what is exactly the position which my hon. friend wants to take in this matter. For, under clause 19, the proprietor has to pay the whole cost of the survey in the first instance, and there is no getting over that. The amended clause has been passed and is part of the Bill. Clause 20 only enables the proprietor to recover the amount from his tenants. If he says that the Government should recover that amount for him, he has no means to recover it from the tenants. If the hon. mover has any objection to pay the whole cost of survey, he should have framed or amended clause 19 in a different manner. Having accepted clause 19 as amended, it is a mistake to say 'we do not want the amount; let the Government recover it'. I am perfectly aware of what Mr. Narasimha Raju has said, with reference to water cess. The payment of this by the tenant directly to the Government has been established by practice and also by the Water Cess Act of 1913. On account of difficulties and inconvenience in the payment of the cess by the tenants to the zamindars, the zamindars gave up their 10 per cent commission which they were getting for the collection of the water cess, and they asked the Government to collect the cess directly from the tenant. It is true. But having now got the present clause—clause 19—in the Bill, I think it is inadvisable to accept this amendment."

Mr. R. SRINIVASA AYYANGAR:—"It seems to me that there is neither substance nor merit in the proposed amendment. As the hon. the Law Member has said, the proprietor has to make the deposit in the first instance. Instead of leaving the question of apportionment to be dealt with by the proprietor on the one hand and the tenants on the other, the Government have taken upon themselves the responsibility of apportioning the amount payable by the tenants to the proprietor. The Government are prepared to take this responsibility so as to avoid any conflict that may arise between

[Mr. R. Srinivasa Ayyangar] [22nd December 1922]

Clause 20—cont.

the proprietor and the tenant in settling the apportionment, and the Government can be expected to afford help to the proprietor only to this extent, leaving it to the proprietor to recover the apportioned amount from his tenants as though it is an arrear of land revenue. To throw upon the Government two obligations, viz., the obligation of apportioning the liability of the tenant to the proprietor and the obligation of going to the rescue of the proprietor in the matter of realizing it, is to ask the Government to do too much and will be really throwing on the Government obligations which they need not bear; and in view of the fact that already substantial help is given to the proprietor in the direction of apportionment so as to avoid any possible conflict between the proprietor and his tenants, the matter ought to rest here, and I submit that this amendment should be rejected."

Sri M. V. APPARAO Bahadur:—"Sir, the most important point is this. As regards the payment from the tenants, the Government are now recovering it from the tenant and refunding the amount to the zamindar. They are making a paper adjustment. Anyhow, to get over the difficulty now, I propose, Sir, to move, with your permission, another amendment to clause 20."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I object to the amendment being moved, Sir."

The amendment was therefore not moved. The original amendment (No. 56) was put and lost.

The following amendments were not moved and were therefore deemed to have been withdrawn:—

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—

57. For the words 'a tenant' in line 22, substitute the words 'a ryot'.
Sub-clause (4).

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—

58. For the word 'tenant' substitute the word 'ryot'.

Mr. M. SURIYANARAYANA:—"Sir, I beg to move—

59. After the word 'of' in line 27 insert the words 'an enfranchised or'.

"We know as a matter of fact that there are not only rent-free *inams* but also enfranchised *inams* which pay a certain amount of *kattubadi* to the zamindar and quit-rent to the Government. I do not know whether an *inamdar* who pays *kattubadi* for the *inam* created prior to the permanent settlement and enfranchised at the *inam* enquiry of 1862, comes under the definition of a rent-free *inamdar*. If he does not, there is no reason why such a person should be excluded from this provision. Such an *inamdar* will certainly not thank me for this amendment. But there is absolutely no reason why a rent-free *inamdar* should be included here and not an *inamdar* who pays *kattubadi* to the zamindar and quit-rent to the Government. I therefore move this amendment, Sir."

Mr. R. SRINIVASA AYYANGAR:—"I second it."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, the answer to the argument of the hon. the mover of this amendment lies in the next amendment which I am myself going to move.

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Clause 20—cont.

The word '*inam*' will disappear from this sub-clause if my amendment is carried, and the word '*grant*' will be substituted. It will be within the recollection of the House that this clause has been inserted in pursuance of a decision of the Madras High Court which recently held that a rent-free grant in a proprietary estate was not liable to bear the expense of survey. Therefore, inasmuch as the High Court have denied the proprietors the right to claim the expenses of a survey from all such tenants under them and have merely restricted that right to tenants who are ryottee or who pay rents, the Government feel that there is no reason whatsoever why the zamindar should be precluded from recovering the proportionate expenses of the survey of a land merely by reason of the fact that that land is exempt from payment of rent. Although they are exempt from the payment of rent, the benefit which a tenant who pays will derive from survey will also equally accrue in the case of one who holds land under the proprietor but pays no rent for some reasons. The word '*inam*' as appearing there is somewhat jarring, which I shall explain when the next amendment, amendment No. 60, is taken up. So, in view of that, I think this amendment need not be pressed."

Mr. M. SURIANARAYANA :—"The hon. the Revenue Member wants to substitute the word '*granti*' for the word '*inam*' and not for '*rent-free inam*'. So my objection holds. If it is the intention of Government that grants, which were made by the zamindar prior to the permanent settlement fixing a certain amount of *kattubadi*, should be exempted from the operation of this clause, I have no objection. I do not really see how the grantees of inams, which were given prior to the permanent settlement subject to the payment of a small rent in the form of *kattubadi* to the zamindar, can be exempted from paying this contribution to the zamindar for the survey, and why an apportionment should be made only for the rent-free inamdars."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"As regards the liability for the expenses incidental to a survey, the High Court have held that a rent-free grant is exempt; but we want to make it appear that even the holder of a rent-free grant is not exempt. When even he is not exempt, it will be too much to ask that others should be exempted from this liability."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"I do not think there is any difference of opinion so far as the intention in this case is concerned. The only question is whether the intention is expressed by the clause as we have it now or by the clause as amended by the hon. the Revenue Member. What we generally have in a zamindari village are ryotwari lands and inams granted by the zamindars subsequent to the permanent settlement either entirely free from rent or partly free from rent and inams held under service tenure; and, when a zamindar's village is surveyed, all these classes will be benefited. Now what is generally done is this. When a zamindar's village is ordered to be surveyed, the order will be for the survey of the zamindari village and there will be no mention of the Government lands or settlement service inams which are also situated within the village. Whether these zamindars will be called upon to pay the proportionate cost is one question;

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Clause 20—cont.

and the second question is whether the holders of inams granted subsequent to the permanent settlement by the zamindars, whether wholly free from rent or partly free from rent, will also be called upon to pay."

The hon. Mr. K. SRINIVASA AYYANGAR :—"I want to say a few words. Under clause 20, the cost is to be apportioned between the estate owners and the persons holding lands in the estate under them. In the case of a presettlement inam, if it is a whole village it is an estate; if it is a minor inam it is excluded from the estate. There is no question of holding lands under the proprietor. Clause 20 (1) says :

provided that no tenant under a proprietor shall be called upon to pay a larger sum.

"With regard to the presettlement inam, the inamdar is not the person who is holding under a proprietor. So that class of cases in which there is a boundary fixed between the inamdar and the proprietor will come in under clause 19 and the Government will be entitled to recover the cost from the inamdar directly. Then they levy a certain sum from the big estate holder. You have to apportion it between the estate holder and persons who are holding the lands under him. Sub-clause (1) of this clause 20 makes a provision that the tenant will not be liable to pay more than if he had held directly under the Government as a ryotwari tenant.

"A question arose in the High Court about the boundary of the so-called darimla inams, which are not inams in the technical sense of the term, taken out of the estate, but all forming part of the estate itself. The so-called darimla holder holds his land under the estate holder on a favourable rent. In cases where a person holds it under the zamindar or proprietor on a favourable rent he is called tenant. The word ryot is not used. There happen to be cases, where there have been grants made by the zamindar or proprietor subsequent to the permanent settlement free of rent. In such cases, whether the term tenant in the Original Survey and Boundary Marks Act would include a person of that sort or whether that person would altogether escape, was the question before the High Court, and the High Court held that inasmuch as he was paying no rent at all he would escape. Not only had he a free grant from the zamindar but he was also not liable to pay a portion of the survey charges, though other tenants who held under the zamindar and were paying rent to him had to pay the charges. This clause therefore has been added for the purpose of including such persons also as have got inams from the zamindars subsequent to the permanent settlement but who do not pay any rent to the zamindars. The word *inam* may cause confusion because technically it is used only with regard to grants which were made before the permanent settlement. Therefore it is that the word 'grant' is sought to be substituted for the word 'inam' in the amendment which the hon. the Revenue Member is moving."

The amendment was by leave withdrawn.

Amendment No. 60.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—

60. For the word 'inam' substitute the word 'grant'.

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Clause 20—cont.

"I now formally move the amendment in my name. The whys and the wherefores of this amendment have been already discussed and I do not want to inflict another speech on the House."

The hon. Mr K. SRINIVASA AYYANGAR seconded the motion.

The amendment was put and carried.

Clause 20 as amended was put, passed and added to the Bill

Clause 21.

The following amendment standing against the name of Mr. K. Prabhakaran Tampan was not moved and was therefore deemed to have been withdrawn :—

61. *After the word 'so' in line 43, insert the words 'within the prescribed time'.*

Amendment No. 62.

Mr. B. MUNISWAMI NAYUDU :—

62. *After the words 'the Collector may' in line 43, insert the following :—
'After giving notice to the tenant or proprietor in the manner provided' in sub-sections (2) and (3) of section 15.'*

"Sir, I request that this amendment be taken up after the disposal of clause 15. For, if my amendment thereunder is accepted there will be no necessity for me to move this amendment. If that is not accepted, then I shall move this."

The amendment was allowed to stand over.

The following amendment standing against the name of Mr. S. Arpudaswami Udayar was not moved, and was therefore deemed to have been withdrawn :—

63. *In the item (ii) (b) after the word 'aware' in line 1 insert the words 'by personal inspection consequent upon the application in writing or representation in person, by the proprietor or registered holder', and after the word 'fact' in line 3 insert the words 'in official form'.*

Clause 22.

Amendment No. 64.

Mr. M. SURYANARAYANA :—

64. *For the full stop at the end substitute a comma and add the words 'if the registered proprietor omits to comply with the requisition made under section 6 of this Act.'*

"Sir, I propose to move this amendment with some modification. This is consequent on the withdrawal of my amendment under clause 3, which I did on the assurance given by the hon. the Revenue Member that he would remember this matter at the time when he would frame rules under section 26 of this Bill. This amendment was put in on the assumption that my amendment under clause 3 would be accepted. But as I have withdrawn it, I propose to move an amendment to the present amendment. The amendment is to add the words *under any of the rules framed in this behalf*. The hon. the Revenue Member is prepared to make rules under clause 26 requiring the landholder to provide labour in the first instance. In regard to estate surveys

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Clause 22—cont.

also, there is no reason why the landholder should not be asked, in the first instance, to renew, repair or maintain the survey marks and why, if he omits to do it, the Collector should not be entitled to get the work done and recover the cost from the proprietor. This seems to be reasonable, and I do not see any reason why this amendment should not be allowed to go in. If the hon. the Revenue Member is going to attend to this question at the time of framing rules, there is no reason why the rule should not be framed under clause 22, in such a manner as to enable the landholder or the registered proprietor to do the work in the first instance and make the Collector get it done and recover the cost from the landholder or the registered proprietor only if they fail to do it within the time prescribed."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I certainly object to any further amendment."

Mr. M. SURYANARAYANA:—"The amendment, as it is, will have no meaning. Therefore, I beg leave to move the amended amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I second the amendment moved by Mr. Suryanarayana. No doubt the hon. the mover has pointed out the difficulty which arises from the omission of his previous amendment to clause 6. Clause 6 is not capable of any further improvement as it has already been passed. I do not think, however, that the present amendment should be shut out, or that the Revenue Member should hesitate to discuss it. So long as my hon. friend Mr. Suryanarayana wishes that there should be a provision in the Bill to the effect that the provisions of clause 22 should come into operation only when a registered proprietor omits to comply with the requisition made to him, I think it is due to this House to discuss that matter and come to an understanding about it. Rules are proposed to be framed under clause 26, but so long as the powers to enter upon, examine and measure any land under survey and to clear by cutting down or removing any trees, etc., are proposed to be conferred by this clause 22, such powers should come into operation only if the registered proprietor omits to comply with the requisition made to him within the prescribed time. For these reasons I second this amendment."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I understood, Sir, that we had reached a stage at which we had come to an understanding that wherever there was any clause in this Bill which required some rules of procedure to be framed for its working it would be unnecessary that this House should add to the existing provisions of the clause in any manner, and that it would content itself with a reference to clause 26 in which the varieties of matters on which rules have to be framed are distinctly specified. We had the same species of clauses in regard to lands in the Government area. Attempts were then made for the purpose of incorporating amendments identical with that which we are now considering in the general provisions of the Bill. I then drew the attention of the House to clause 26 (f) which satisfied the House, and all the amendments which had been tabled were withdrawn. The clause (f) reads:

'to regulate the furnishing of survey marks, labour and other matters necessary to surveys notified under this Act and the recovery of charges incidental thereto where they are recoverable.'

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Clause 22—cont.

“Now clause 22 belongs to the same species. Clause 22 deals with one of the matters which specifically refer to certain circumstances incidental to the carrying out of the survey, and this I say is necessarily one of the species to which the other two types which we have dealt with belong. As there would be a rule-making power, I begged the House not to burden legislation with amendments which would by themselves convey no more than what clause 26 was intended for, and my suggestion was accepted by the House, and all such amendments were withdrawn. I think item No. 12 in the agenda which stood in the name of the hon. the mover of this amendment contained more or less the same idea. In that amendment he wanted that very clear, elaborate and distinct rules should be framed for guiding Government in the matter of clearance within a specified period by cutting down or removing any trees, jungle fences, standing crops, of providing labour and of providing suitable survey marks, etc.; and he intended to add it as a sub-clause. But when it was explained to him that clause 26, as now drafted in the Bill, contained provisions under which all these matters would be provided for by rules, his proposal to add that as a sub-clause was withdrawn by him. And now, when we come to clause 22, this amendment again forms one of the species I mentioned. I would submit that even here, the question that he has raised is one to be considered and decided at the time when rules are made. When rules are framed, as indeed they will be framed under clause 26 (f), all the matters which are referred to in clause 22 will be sufficiently provided for, and it will be laid down what should be done when such duties have to be carried out by a survey officer—the sort of notice to be given to the party, the period of such notice, and what should happen if the landholder fails to do as required. All this is matter for the rules and not for legislation.”

Mr. M. SURYANARAYANA PANTULU :—“I submit, Sir, that when we discussed the amendment to clause 6, the hon. the Revenue Member gave us an assurance and the amendment was withdrawn. While moving the present amendment I submitted that if the hon. the Revenue Member would be pleased to extend the same assurance to this matter and promise to consider it when framing the rules, I would not press this amendment. I beg leave to withdraw it.”

The amendment was by leave withdrawn.

The following amendment which stood in the name of Mr. S. Arpudawami Udayar was not moved :—

65. *For the full stop at the end substitute a comma and add the following :—
‘and to that extent only to which such clearing may be necessary.’*

Clause 22 was put and passed, and allowed to stand as part of the Bill.

Clause 23.

Amendment No. 66.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“I move, Sir :—

66. *In clause 23, after the word ‘may’ in line 24, for the words ‘for the purposes of any survey . . . in which he has an interest’, substitute ‘for the purpose of rendering assistance in the survey of any land summon and enforce the attendance of any person who has an interest therein and may for*

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Clause 23—cont.

the purposes of any survey, inquiry or other proceedings under this Act, summon and enforce the attendance of any person for giving evidence and for the production of documents.

“I may at once remark, Sir, that this makes no material alteration in the clause. It is merely a transposition of words to follow the sequence of events. No more change is made in the clause.”

The hon. Mr. K. SRINIVASA AYYANGAR seconded the amendment.

The amendment was put and carried.

Amendment No. 67.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—“Sir, the amendment I move runs as follows:—

67. *Omit the words ‘as far as it can be made applicable’ in lines 35 and 36.*

“My reasons are these: I have known a number of these survey inquiries. The survey officers are a law unto themselves, though the clause says that for the purpose of summoning witnesses, enforcing their attendance and recording of evidence the provisions of the Code of Civil Procedure apply. The effect of these words ‘as far as it can be made applicable’ is that they will summon any witnesses who, in their discretion, are supposed to know the facts of the case. The evidence in many of the survey cases is very defective and the result is that, from the character of the inquiry, suit in a civil court is found absolutely necessary. When the inquiry is so defective, and when the evidence is not properly recorded, the parties naturally go to the courts. I have seen a number of these cases, and it seems to me that as regards these three matters, namely, summoning of witnesses, enforcing their attendance and the recording of evidence, it is necessary to follow the provisions of the Civil Procedure Code, and I do not see any other course. If you allow the Survey Officer to set his own procedure according to his own ideas of what is practicable and what is not, it seems to me, Sir, there is no need at all for an enquiry before the Survey Officer. The provisions of some clauses, as, for instance, clause 10, say—

After making such an inquiry as he considers necessary.

“Therefore what I propose is that the words ‘as far as it can be made applicable’ should be deleted, and the exact procedure that should be followed in the enquires should be settled by rules which should be framed in such a way that there will be a certain amount of fullness in the record which will induce the parties to accept these decisions, and not go to civil courts unnecessarily. Therefore, if the Survey Officer’s inquiry is to be satisfactory to every party, the procedure should be prescribed by rules and the officer should be made to accept generally the procedure prescribed by the Code of Civil Procedure. I do not understand why these inquiries should be regarded as summary inquiries, especially when some amount of finality is to be given to the decisions of the survey officers. I trust that my hon. friend will not oppose this amendment except on the assumption that this is somewhat of a summary business; but the survey officers sitting under trees may record evidence as they like—sometimes they may be sitting under the canopy of heaven. I hold therefore very strongly that unless the Survey Officer realizes that this is a quasi-judicial inquiry, in which evidence should be recorded with a certain amount of formality and completeness and

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Clause 23—cont.

with all the witnesses of a party, the inquiry will not at all be satisfactory. I have known a case in connexion with a zamindari, where only one witness was examined when 55 were cited, where a lot of documents produced were not looked into, and where the Survey Officer galloped to the boundary and wrote his decision after seeing the place. I think therefore that there should be no hesitation in accepting this amendment."

The House then adjourned for lunch and re-assembled at 2-30 p.m.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, in seconding this amendment I wish to point out that the principle underlying this is that in recording evidence the procedure prescribed in the Code of Civil Procedure ought to be followed. The fear is that by the retention of the words 'as far as it can be made applicable,' the officer concerned may ignore the salutary provisions in the Code and fail to record evidence in as satisfactory a manner as he should. It is to guard against this event that the amendment has been moved. I am alive to the fact that the carrying out of this amendment will also necessitate some consequential amendments. For, if the words 'as far as it can be made applicable' are removed and the rest is allowed to stand as it is, it will become necessary to ascertain what sections or rules under the Civil Procedure Code should be observed. In taking evidence in enquiries under the various rules specified in the schedule of the Civil Procedure Code different forms of procedure are prescribed: there is one procedure for negotiable instruments, another for original suits, and another in the case of small causes and so forth. It will therefore become necessary to follow up the present amendment and specify which of the methods laid down in the Code of Civil Procedure ought to be adopted in enquiries by survey officers. In this way, the amendment will become the subject matter of other consequential amendments. If these words 'as far as it can be made applicable' are allowed to remain, my fear is, Sir, that the survey officer may easily ignore these provisions which meet the wishes, the requirements and the convenience of the parties concerned. I therefore support this amendment, pointing out at the same time the need for the consequential amendments."

Mr. C. P. RAMASWAMI AYYAR :—"The words 'as far as it can be made applicable' must, I think, stand for these reasons: Hon. Members will observe that in the Civil Procedure Code to which reference has been made, two ways of recording evidence are prescribed under order 18: one way for recording evidence in cases where appeals are allowed, and another way where appeals are not allowed. It seems to me that 'as prescribed in the Civil Procedure Code' will not meet the difficulties of the case, but give rise to confusion. I appreciate the desire of the hon. Members who have spoken that rules should be framed prescribing the exact manner in which evidence should be recorded, and suggest that an amendment may be moved to enable this to be done under clause 26. If this is done, Government can prescribe rules for the recording of evidence and the Legislative Council may then see that all the formalities of the law are properly complied with and that due regard is paid to the considerations referred to. For these reasons, I submit that the words 'as far as it can be made applicable' ought to stand."

Mr. R. SRINIVASA AYYANGAR :—"Mr. President, it seems to me that the elusive words 'as far as it can be made applicable' may go out, and if the House is agreeable I may suggest a small verbal amendment, namely to

[Mr. R. Srinivasa Ayyangar]

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Clause 23—cont.

substitute the words 'in the manner prescribed.' For the House will notice that under clause 26 (d) the Local Government has to make rules to regulate the procedure to be followed by the survey officers, and so if we say 'in the prescribed manner' or 'in the manner prescribed' the officer will be bound by the rules. Therefore, it seems to me that in the place of the words 'as far as it can be made applicable' the words 'in the manner prescribed' may be substituted."

MR. T. C. SRINIVASA AYYANGAR :—"I second this amendment."

MR. C. P. RAMASWAMI AYYAR :—"May I point out that it will not relieve the trouble, for then it will read

the procedure prescribed in the Code of Civil Procedure for summoning and enforcing the attendance of witnesses and for the recording of evidence shall be followed in the manner prescribed.

"But, as I said, the rules should prescribe the mode of taking the evidence. I think there should be some elasticity in the clause for the bodily embodiment of the Civil Procedure Code."

RAO BAHADUR A. S. KRISHNA RAO PANTULU :—"I think, Sir, that the substitution of the words 'in the manner prescribed' will make matters worse. For, the clause, as it is, says that the provisions of the Civil Procedure Code shall be followed as far as they are applicable, and it will be incumbent upon the officer concerned to follow the provisions of the Civil Procedure Code. I think we shall be giving a very big order to the Government by asking them to frame the rules under this clause and by leaving such instructions to be carried out by the officers. My own fear is that if my hon. friend Mr. Srinivasa Ayyangar's amendment is accepted the object of this clause will be defeated and it will be worse than allowing those words 'as far as it can be made applicable' to remain."

MR. R. SRINIVASA AYYANGAR :—"Then, I had better not press my amendment, Sir."

DIWAN BAHADUR M. RAMACHANDRA RAO PANTULU :—"I only wish to point out this with reference to the observations of the Advocate-General. The difficulty in the words 'as far as it can be made applicable' is the question by whom it is to be made applicable. It is by the officer himself."

MR. C. P. RAMASWAMI AYYAR :—"It is quite possible, Mr. President, to say that in framing the rules the clause will enable the Government to make rules under clause 26 for the recording of evidence. It seems to me that the word 'applicable' can be considered in that sense."

DIWAN BAHADUR M. RAMACHANDRA RAO PANTULU :—"I withdraw my amendment."

The amendment was by leave withdrawn.

Clause 23 as amended was then put, passed and added to the Bill.

Clause 24.

Clause 24 was also then put, passed and added to the Bill.

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Clause 25.

The following amendment standing in the name of Mr. K. Prabhakaran Tampan was not moved, the hon. Member not being in his place, and was therefore deemed to have been withdrawn :—

Sub-clause (1).

68. *After the word 'acquire' in line 53 insert the words 'where there is an express or implied undertaking that such expenses shall be borne by the owner thereof.'*

Clause 25 was therefore put, passed and added to the Bill.

Clause 26.

The following amendments were not moved :—

Sub-clause (1).

Rai Bahadur T. M. NARASIMHACHARI :—

69. *After the word 'may' in line 28 insert a comma and the words 'subject to the approval of the Legislative Council.'*

Sub-clause (2).

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—

70. *Insert the following as sub-clause (2) (a) :—*

'Prescribe the procedure to be followed in inquiries by survey officers' and re-letter the remaining sections.

Mr. C. V. VENKATARAMANA AYYANGAR :—

71. *After the word 'unit' in sub-clause (2) (a) insert the words 'and the method'.*

Amendments Nos. 72 and 73.

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, the next two amendments, Nos. 72 and 73, may be taken together, for without the amendment No. 73 No. 72 will be useless. And, in amendment No. 73, it is better that I move the several sub-clauses one by one, and so I move.

72. *Delete the word 'and', at the end of sub-clause (2) (h).*

73. *Add the following after sub-clause (2) (i) :—*

"(j) provide for an agreement book for each village for recording amicable settlements of disputes and awards of all arbitration with signatures of all interested parties."

"I move this amendment as all the orders under the Bill will have the force of law hereafter. It is better that the parties come to some arrangement among themselves and that there should be some record of it. It may be that the record may be somewhere and not available to the public. It is therefore necessary to provide that there should be an agreement book for each village for recording amicable settlements of disputes. When disputes arise, the parties may be agreeable to some award by arbitration, and the survey officer may say that the parties are agreed. Unless this is recorded in a book, there will be no records available when the dispute is

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taken to a court of law. So I suggest in this amendment that there should be an agreement book wherein the signatures of all the interested parties may be taken."

Rao Bahadur A. S. KRISHNA RAO PANIULU :—" I second it."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" We have considered very carefully, Sir, the suggestion which has been made by the hon. the mover, but I am afraid that the matter he wishes to add for the purpose of making rules is of such a meticulous nature that it need not at all be provided for. In the first instance, as the very clauses (j) to (n) will show, the rules should provide for an agreement book, provide for the approval of the departmental rules, describe the records or statements to be granted. . . ."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I moved only the amendment (j), Sir."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Then Sir, according to this, the rules should provide for an agreement book for each village for recording amicable settlements of disputes and awards of all arbitration with signatures of all interested parties.' I do not see why you should tie down the officer as to the particular manner in which he should bind the parties to the decisions which may be reached in an arbitration. If there is to be anything like an agreement book, I am afraid that it will have to be in the custody of some definite officer. Of what rank I do not know. Then again the parties are expected to put their signatures in that agreement book. I think in olden days records of even letters received and letters despatched used to be kept in bound books. Those days are happily gone. In modern days we have separate files dealing with each case; in each the whole history relating to that particular case is had. Now, if a matter is referred to arbitration, probably the recommendations made by the arbitrators, the inquiries and the awards made by them, may become such a bulky document that it may necessitate its being maintained as a separate file in itself. The whole thing will become something like an agreement book, and one such book will have to be maintained for each village. I assume that the book will have to be kept in the custody of a village *karnam* or a village headman. If we entrust the agreements to the custody of village officers, I am afraid there will not be the same sacredness for those documents as we should like to attach to them. I have consulted some of the expert survey officers on this point and they assure me that this rule will neither be practicable nor advantageous to any party."

The amendment was by leave withdrawn.

In consequence of the withdrawal of the above amendment the following amendments were considered unnecessary and were not moved. They were therefore deemed to have been withdrawn :

(k) *provide for the approval of the departmental rules by a committee consisting of a few experienced officers, present and retired, of the Survey, Revenue and Settlement departments before final publication.*

(l) *describe the records or statements to be granted to parties at their costs and the parties entitled for the same.*

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(m) provide for the exemption in special cases of proprietors from the payment of costs for any work done at their cost under the provisions of this Act; and

(n) prescribe the penalties for infringements of any of the rules made under this section'.

Sub-clause (3).

Amendment No. 74.

MR. B. MUNISWAMI NAYUDU :—"Sir, I beg to move the following amendment:—

74. For this sub-clause substitute the following :—

'A draft of the rules proposed to be made under this section shall be laid on the table of the Legislative Council and the rules shall not be made unless the Legislative Council by resolution approves the draft either without modification or addition or with modifications or additions; but upon such approval being given, the rules may be made in the form in which they have been approved and such rules, on being so made, shall be notified and thereafter be of full force and effect.'

"Sir, in clause 26 (3) of the Bill, it is stated that all the rules framed under the Madras Survey and Boundaries Act will be laid before the Legislative Council for a period of not less than two months while the Council is in session. No provision is made in the Bill that the Legislative Council should approve of the rules; nor is the Council empowered to modify, or alter or even to suggest any alteration for the consideration of the Government. I presume the rules will be placed here on the table in a printed form, and if we table resolutions on them probably the resolutions will not come up for discussion until a whole session has elapsed. We shall have no chance of making our opinion felt by the Government. The other object that I have in moving this amendment is that the Council should be given an opportunity to discuss the rules and suggest such alterations or modifications as they may consider to be absolutely necessary before the rules finally come into operation. The wording of this clause has been taken from section 203 of the Local Boards Act where a similar provision is made with regard to the rules under that Act. It has been practically accepted now that, where the rule-making power is given to the Government in a statute, there must be some control by the legislature. So that before the rules actually become law—the rules once made have the same force of law, the same force as if they were incorporated in the original Act itself—it is absolutely necessary that they should be approved and sanctioned by the Council. In these circumstances, I think that if my amendment is accepted, it will empower the Council to discuss the rules and suggest modifications or alterations which may be necessary. Otherwise the rules will be published in the Gazette, and, if nobody comes forward with any objections to them within six weeks, the rules will have the force of law. Even if objections are raised by somebody, the answer will be—as it is usual with such objections—that they have all been very carefully considered by the Government and that they see no reason to modify or alter any of the rules published by them. We have practical experience of cases in which objections had been taken, and how they were disposed of by the Government. As an instance I may state that, in a particular municipality, the

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Government proposed to replace one committee by another under the Local Boards Act. There was a protest from the Municipal Council and also from the Municipal Conference, but the Government replied that they carefully considered the protest and saw no reason to reverse their former decision.

“Under these circumstances I submit that the amendment should be accepted by the House.”

Mr. M. SURYANARYANA seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—
 “I may at once inform the House that the power given to the Government to make rules is what we call the residue of legislation. All principal provisions which ought to go into the body of the Act are embodied in the Act itself. But where it is a question of giving effect to the intentions of legislation, the legislature does not bother itself. It is left to the executive to carry out the intentions of the legislature, as contained in the legislation itself, by means of rules. While legislation is unalterable without the specific sanction of the legislature, the rules are framed, modified, altered, or rescinded by the orders of the executive. That, Sir, is the general principle on which legislation is framed and power is given to the Government to frame rules thereunder. But if it is now sought to bring the rules also on the same level and under the same category as legislation, then one may wonder why the legislature does not assume to itself the function of framing the rules in the Bill itself. At that rate, I am afraid the whole of the Survey Manual, itself a bulky book, as hon. Members may know, will have to be edited in the legislature and form the Survey Act. I would therefore appeal to hon. Members to decide whether a procedure like this is possible. What after all is the nature of the rules that are expected to be framed under clause 26 of the Bill? I would request the House to remember that having disposed of the main issues which legislation and legislation alone can specify, we have come to clause 26 which empowers the Local Government to make rules. The House will see that some of the matters referred to in clause 26 are such as the House, I am sure, cannot very much be interested in. Nor do I think it will be to the advantage of the House to waste its time in going through the rules carefully, table resolutions, or make alterations or suggest amendments thereto. Will the House consider it worth its while to prescribe for each locality the unit of survey, the subdivisions thereof and the descriptions of the survey marks? I wonder whether when the Government make rules on this matter it will be to the advantage of the House to know what are the rules that the Government have made in regard to different localities, the unit of survey to be conducted thereunder and the subdivisions thereof. Will the House trouble itself to know how a survey field should be surveyed, how a revenue field should be surveyed, how many survey fields must constitute one *khandam* and into how many *khandams* a village has to be subdivided? All these meticulous details will be found in the rules made under clause 26 (a). Will it be to the advantage of the House to be bothered with all the elaborate rules which will necessarily have to be framed under clause 26 (a)? There is another rule under which the Government will have to define the classes of officers to be appointed under this Bill and the powers to be exercised by such officers. All this will depend upon what staff is available, the

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number of gazetted officers and the non-gazetted officers that may be available for a party, and various other factors. I expect the Council will not bother itself with all these details but will leave them to the executive Government. You have also to provide for the publication of all notifications issued under this Act, for the form, issue and service of all orders, communications, notices, etc. These are all matters which, I suppose, every one is familiar with. The House has already given me additional instructions in the matter of publication, namely that besides being published in the *Fort St. George Gazette* and in the District Gazette, the notifications should also be published in the village chavadi wherever there is one. As regards the form of notice to be issued, they can be best determined only by the officers of the Survey Department. What information should be given in a particular notice, what information should be given to a party—all these are matters which the survey officers alone will be in a position to decide. That all such rules should be laid before the House so that it may get a general idea as to how the administration of the Survey Department is being conducted, I can understand; but I confess I do not see why it should be said that these rules should not be given effect to unless they have been approved, modified or altered previously by the Council. To say that only such approved, altered or modified rules shall come into force, is, I am afraid, asking a bit too much. For, as soon as the Government see the necessity for survey in a particular district, they issue a notification at once; and I may also inform the House in this connexion that what may be quite applicable in the case of the survey of the Tanjore district may not be applicable in the case of the survey of the Anantapur district.

“So, the rules will have to be varied from time to time according to the conditions of each locality. As soon as a notification is issued
 3 p.m. the whole party must start its operations; but if I have to wait for an indefinite period to learn the pleasure of the House as regards the sufficiency or otherwise of the rules which I am going to frame for the conduct of the survey either in Tanjore or Anantapur, what is the survey party going to do in the meantime? We have been told that there is much congestion of work in this Council already, and, I believe, as we go on from month to month, the congestion will go on increasing. Now, under such circumstances, if I lay the rules on the table of the House in the month of March to enable me to begin the survey in the particular locality in the month of April,—April to September or August, as the case may be, is the recess of the House and it will not be until September or October that this House will meet again—where is the guarantee that these rules will be taken up for discussion at the very first meeting that is held immediately after the rules are so laid? It may be that these rules will have to abide their own time or it may be that they may not come at all in the course of a session. Therefore I shall have to be indefinitely waiting for the pleasure of the House before effect can be given to these rules; because the House had no time to consider them the survey party shall have to be given ‘French leave’ as it were with nothing to do but to draw its pay all the same, for wherever else I may employ them I must give them the rules. It may be that there are some rules of common application, but again there are rules which will vary from locality to locality and if the hands of Government are tied down, as indeed they are proposed to be tied down by

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Clause 26—cont

this amendment, that not a single rule be altered or amended unless that amendment is placed before the House and the House accepts it, I am afraid, Sir, that the execution of the work will be considerably retarded. Let it not be understood that I am not willing to consult the House on these matters. I may assure them, that, whenever new rules are framed, I shall summon to my aid non-official brethren of mine and consult them as indeed I did just the other day. I had a conference of my non-official brethren and asked them to advise me as to how I must conduct my future survey and settlement parties in this province. I am thankful to them. They gave me their advice. Now, in similar matters, so long as I have the benefit of non-official assistance available, I shall surely consult them whenever there is a necessity. But to tie down the hands not only of the present Revenue Member but of his successors, by a statutory rule like this, is aiming not at an expeditious disposal of work, but lengthening the process of work. In the present sub-clause, I have made it sufficiently clear that I shall not absolve myself of my responsibility by placing these rules before the Legislative Council for two months, whether it is in session or not, and then say I have done my duty. It is obligatory to place these rules only when the House is in session. After they have been laid on the table, I shall not give effect to them for a period of two months. If in the meantime any hon. Member has got any sound advice to give me or valuable suggestions to offer, nothing prevents him—as indeed he does in every other matter—from tabling a resolution or communicating to me demi-officially that such and such a thing is necessary in the interests of the ryot. I am as much interested in the welfare of the ryots as anybody else. In view of all this, I think that this long-winded procedure that is suggested by the amendment will rather retard work than help it.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“Sir, after hearing the considerably long remarks of the hon. the Revenue Member on this motion, I wish to know whether even if he is not prepared to accept this amendment to the full length to which it goes, he will be in a position to accept the motion ‘that it will come into force after a particular period unless it is amended at a meeting of the Council which may be held later on’. If the hon. the Revenue Member will accept this, it will be possible for us to come to an understanding. Merely placing the rules before the Legislative Council will not satisfy any purpose. Unless there is a definite provision to the effect that they will not come into force before a certain period specified therein, unless they are modified at a meeting of the Council, as in the case of the Industries Bill, this question cannot be solved in a satisfactory manner. If the hon. the Revenue Member is not prepared to concede this, I should request the hon. mover to press his motion.”

Rao Bahadur K. GOPALAKRISHNAYYA :—“No doubt there is considerable force in the argument of the hon. the Revenue Member. But as the clause stands at present, no purpose will be served by merely placing the rules before the Legislative Council. It is necessary that the rules that are to be laid before the Legislative Council should be subjected to modification or alteration. If it will be acceptable to the hon. the Revenue Member I may add the following words here: ‘Not less than two months for modification, if necessary.’”

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The hon. Sir CHARLES TODHUNTER :—" Mr. President, I really do not know why the last speaker should presume that any rule that the Government makes must necessarily need modification. Government have made a great many rules on a great many subjects for a great many years and they make them with the greatest care they can. Again, supposing these rules do need modification, I don't understand why he should say that no purpose is served by placing them before the House without the power to modify them. The House can express their opinion. They can move resolutions suggesting changes and every attention will be paid to those resolutions. So it cannot be said that placing the rules before the Council serves no useful purpose. The only question is whether every little detail should be placed upon the legislative anvil. If anybody will examine the Survey Manual he will find what a mass of technical detail there is. On these matters you must trust the experts. There are different systems of survey and elaborate rules as to their working. Are we to submit all these rules for criticism to the Legislative Council, who, I respectfully submit, are not experts in the matter? I submit that what the Bill provides is ample for the purpose."

Mr. V. PAKKIRISWAMI PILLAI :—" Mr. President, the clause says that all such rules shall be laid before the Legislative Council for a period of not less than two months while the Council is in session. The Council must have power to modify such rules or pass resolutions on them and then only they can have the force of law. I think the principle of laying them before the Council is intended for that purpose. With these words I support the amendment."

Mr. B. MUNISWAMI NAYUDU :—" There are certain modifications which may become necessary in any Bill for which provision ought to be made. Under the clause, the Council has not got power to so modify the rules. This system has not worked satisfactorily. This will impede work. I understood the hon. the Revenue Member finally saying that he will lay the rules before the Council before giving effect to them. As such, there is certainly no reason why this amendment should not be accepted. By framing the rules and merely publishing them in the Gazette, they should not become law. They can become law only after objections have been considered by the Government. The Government can confirm the rules after they are placed before the Council for their criticism. Under the circumstances, I think, there will be no serious hardship in accepting the amendment which merely says that the rules should come into force as soon as they are confirmed, but should be subject to the approval or modification by the Council at any meeting. If the hon. the Revenue Member is willing to accept the amendment I shall be glad. Otherwise I press the amendment."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Whatever I said in my previous remarks, I stand by them to every word. I did say that I would consult some of my non-official brethren before framing the rules; I did say that the rules would be laid on the table for a period of two months, and that it would be absolutely open to any Member of the House to table any resolution in case any one of the rules did not meet with his entire approval or in case he intended to make any suggestion. But, Sir, I certainly demur to the consequences which will naturally arise by the acceptance of the amendment

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tabled by my hon. friend. For, I shall be precluded from taking any action even on such rules as are of a non-controversial nature. For, if I should appoint an officer and give him certain functions under the rules which I am entitled to frame under sub-clause (c), I am precluded even from notifying his appointment in the Gazette; I am precluded from issuing an order giving him certain specific duties unless and until these rules have been placed before the House, and a formal approval of these rules has been expressed by the House. There are, as I said, certain matters in clause 26 which will require immediate action. There are matters which I am sure the Council will not care to consider. There may be some other matters in which their advice may be necessary. In these matters, as I said, if any hon. Member tables any resolution and draws the attention of the Government, the Government will indeed be only too glad to take advantage of the suggestion and will try to see how far it is practicable. There may be cases in which probably an advice may be tendered by the House on a purely technical matter which may be regarded as impossible to accept. To be sure, the House will not expect that we who are employing so many expert officers at such considerable expense should relegate their views to the limbo of oblivion and be guided by the advice of the House even on technical matters. As I said, the acceptance of the amendment will lead to numerous complications and numerous difficulties.

“Then, I may probably draw the attention of the House to section 23 of the General Clauses Act, Act X of 1897. The clause reads:

Where a power to make rules or by-laws is expressed to be given subject to the condition of the rules or by-laws being made after previous publication, then the following provisions shall apply, namely:—

(1) the authority having power to make the rules or by-laws shall, before making them, publish a draft of the proposed rules or by-laws for the information of persons likely to be affected thereby;

(2) the publication shall be made in such manner as that authority deems to be sufficient or if the condition with respect to previous publication so requires, in such manner as the Governor-General in Council or the Local Government prescribes;

(3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(4) the authority having power to make the rules or by-laws, and where the rules or by-laws are to be made with the sanction, approval or concurrence of another authority, that authority also shall consider any objection or suggestion which may be received by the authority having power to make the rules or by-laws from any person with respect to the draft before the date so specified;

(5) the publication in the Gazette of a rule or by-law purporting to have been made in exercise of a power to make rules or by-laws after previous publication shall be conclusive proof that the rule or by-law has been duly made.

“These are the provisions which we have strictly kept in mind and it is in conformity with these that we have made the provision that these rules should be laid before the Legislative Council for a period of no less than two months when the Council is in session. And over and above that we know our duty. We shall publish them in the local Gazette or the District Gazette as the case may be, invite criticisms and objections. We shall not only be benefited by the criticisms of this House, but also by those of the public. When I quote the General Clauses Act, some of my hon. friends who are lawyers may think that I am quoting from an Imperial enactment which perhaps has not much force in the Madras Province. But, Sir, I may say that section 7 of the Madras General Clauses Act has bodily incorporated the section which finds a place in the all-India General Clauses Act. I shall

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not weary the House by reading the same provision in the Madras Act. However, if the House thinks that there had better be as much opportunity given to the public at large, as is indeed the intention of the Government to do, and if they insist that I should publish these rules in the gazette before I lay them on the table of this House, I am quite prepared to do it. If this suggestion of mine that all such rules shall be published before they are laid before the House meets with the wishes of the House, I am quite amenable."

Diwan Bahadur M. Ramachandra Rao Pantulu (rising to speak.)

The hon. the DEPUTY PRESIDENT (*from the Chair*):—"Is the hon. Member Mr. Ramachandra Rao going to correct any statement of the hon. Member for Revenue?"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"No, Sir, I cannot say I rise to correct the hon. Member's statement. But in justification of the position taken up by my hon. friend the Revenue Member, I wish to make a suggestion to the mover of the amendment."

The hon. the DEPUTY PRESIDENT (*from the Chair*):—"Then, I am afraid, I cannot allow the hon. Member to speak for the simple reason that we have practically wound up the debate with the hon. the Revenue Member's reply. If I am to allow a speech from the hon. Member Mr. Ramachandra Rao, the hon. Member for Government and the mover of the amendment will have their right of reply. That will prolong the debate. I shall therefore now put the amendment to the vote."

The amendment was put to the vote and a poll was taken. The House divided as follows:—

Ayes.

- | | |
|---|--|
| 1. Rao Bahadur T. A. Ramalinga Chettiyar. | 8. Mr. V. P. Pakkiriswami Pillai. |
| 2. Mr. K. Adinarayana Reddi. | 9. " P. T. Rajan. |
| 3. Rao Sahib S. Ellappa Chettiyar. | 10. " W. P. A. Soundarapandiya Nadar. |
| 4. Rao Bahadur K. Gopalakrishna Ayya. | 11. Dr. P. Subbarayan. |
| 5. Mr. K. A. Kandaswami Kandar. | 12. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 6. " J. Kuppaswami. | 13. Mr. M. Suryanarayana. |
| 7. " B. Muniswami Nayudu. | |

Noes.

- | | |
|--|--|
| 1. The hon. Sir Charles Todhunter. | 18. Mr. S. Somasundaram Pillai. |
| 2. " Khan Bahadur Sir Muhammad Habib-ul-lah Sahib Bahadur. | 19. Diwan Bahadur M. Ramachandra Rao Pantulu. |
| 3. " Mr. K. Srinivasa Ayyangar. | 20. Diwan Bahadur M. Krishna Nayar. |
| 4. " the Raja of Panagal. | 21. Mr. C. V. Venkataramana Ayyangar. |
| 5. " Rai Bahadur K. Venkatarreddi Nayudu. | 22. Sir T. Desika Achariyar. |
| 6. " Rao Bahadur A. P. Patro. | 23. Mr. S. Muttumanikkachari. |
| 7. " Mr. A. R. Knapp. | 24. Diwan Bahadur D. Seshagiri Rao Pantulu. |
| 8. Mr. C. P. Ramaswami Ayyar. | 25. Mr. T. C. Srinivasa Ayyangar. |
| 9. " F. J. Richards. | 26. " M. Ratnaswami. |
| 10. " E. Periyannayagam. | 27. Rev. W. Meston. |
| 11. " T. C. Tangavelu Pillai. | 28. Mr. Ahmad Miran Sahib. |
| 12. " A. Ramaswami Mudaliyar. | 29. Muhammad Abdur Rahim Khan Sahib. |
| 13. S. R. Y. Ankinedu Prasad Bahadur. | 30. Khan Bahadur Munshi Muhammad Abdur Rahman Sahib. |
| 14. Mr. M. Appalanarasayya Nayudu. | 31. Saiyid Diwan Abdul Razaq Sahib. |
| 15. " R. Appaswami Nayudu. | 32. Khan Bahadur Muhammad Sadulla Badsha Sahib. |
| 16. " K. Sitarama Reddi. | 33. Khan Bahadur Muhammad Usman Sahib. |
| 17. Diwan Bahadur T. N. Sivagnanam Pillai. | 34. Mr. A. M. MacDougall. |

The amendment was lost: ayes 13, noes 34.

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Clause 26—cont.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“Although the amendment of Mr. B. Muni-swami Nayudu has been lost I feel that I owe it to the House that I should myself move the amendment which I had offered to the hon. Member who has lost his amendment; and, I think, the offer I made must have influenced the hon. Members who voted against it. I formally move that :—

After the word ‘may’ in line 28 of clause 26, sub-clause (1), the words ‘after previous publication’ be inserted”.

The hon. Mr. K. SRINIVASA AYYANGAR :—“I second it.”

The amendment was put to the House and carried.

The following amendment standing in the name of Rai Bahadur T. M. Narasimhaachari was considered to have been withdrawn, the hon. Member not being in his place :—

75. *For this sub-clause substitute the following :—*

‘A draft of such rules shall be laid before the Legislative Council for its approval, with or without modification, by a resolution of the Council. On such approval, the rules so approved shall be notified in the prescribed manner and shall thereafter have the force of law under this Act.’

The following amendment standing in the name of Rao Bahadur A. S. Krishna Rao was not moved and was therefore deemed to have been withdrawn :—

76. *Omit the words ‘while the Council is in session.’*

Clause 26, as amended, was then put to the House and carried and added to the Bill.

Clause 27.

Clause 27 was put to the House and carried and added to the Bill.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“Sir, may I make a statement? I understand from the hon. the Revenue Member that he has no intention to move that the Bill be passed into law at this meeting; and in view of the various amendments passed in the Bill he proposes to bring the Bill forward at the next meeting. Under these circumstances unless the hon. the Revenue Member moves that the other clauses that have been accepted by the House may become law, it will be open to any hon. Member to amend these clauses or to give notice of amendment of any further clauses. This clause may be carried to the next meeting subject to the understanding that the hon. the Revenue Member does not make a final motion but will reserve that motion for the next meeting on the 29th January 1923. In the meanwhile it will give us opportunity of bringing those two clauses in conformity with the wishes of the House. That is all I wish to suggest, Sir.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“It is true, Sir, that I have no intention at present to move that the Bill as amended by the House be passed into law at once. My simple reason for it lies in the fact that inasmuch as a few amendments have been passed

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Clause 27—cont.

by the House it will be only in the fitness of things that all these amendments as have been passed should be incorporated in their proper places and I be given an opportunity of examining the Bill once more with a view to determine whether any consequential amendments of other clauses in this Bill would become necessary as a result of the amendments which have been accepted by the House. When I had those intentions, it was farthest from my thoughts that I was going to allow this post-mortem process of taking it clause by clause once more at that meeting and subjecting it to the sharpness and precision of a knife. If hon. Members are not prepared to go ahead with clauses 15 and 21, I will at once move that they had better become part of the Bill. And if any hon. Member is not willing to have that done, it is open to him to oppose it and have the opposition carried. I have got the strongest objection to having a further discussion on every section and keep the door of further amendments to this Bill open until that day. If this procedure is going to be repeated on the 29th January when I am hoping to pass this Bill into law, amendments might be brought in and discussed and then I have got to repeat the same procedure and ask again for the postponement of the Bill to consider any further consequential alterations and for a third time perhaps the same procedure would be required to be continued and in that way there would be no finality reached in any legislation."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I think, with due deference to the observations of my hon. friend the Revenue Member, I may invite his attention to the rules. Standing Order No. 49 (2) reads :

If any amendment be made, any member may object to the passing of the Bill at the same sitting; and such objection shall prevail, unless the President, in the exercise of his power to suspend this order, allows the Bill to pass.

"That is the portion to which I may invite the attention of the hon. the Revenue Member. If he makes a motion that the Bill be passed into law, then I shall object to it under this section. And if he does not make that motion now for a final passing of the Bill, then the final motion will be made on the 29th January so that the question of discussing further amendments would be complicated if he does not make the motion to-day."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"The fact is that I do not agree with the interpretation of my hon. friend in this particular instance though he is accurate in his interpretations generally. That rule only applies in cases where a motion of the sort is made, viz., that the Bill be passed into law. There is an objection raised from the House that it shall not be passed into law in that sitting. I say that the House has considered all the amendments tabled and in view of these amendments I have no intention to rush through the Bill for the reason that there may be consequential amendments. We know that legislation should be absolutely perfect for an unnecessary word here or there might distort the intentions of the legislators. I repeat that I am going to make the motion after considering all these things. And therefore the stage for quoting the rule has not arisen at all. It is only after the Bill is complete and it is only when that stage has been reached that I am going to say what I am going to say. It is true that I told my friend opposite that I had no intention of moving for the Bill being passed into law in this meeting. But so far as the consideration of the Bill is concerned, it is not yet completed."

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Clause 15.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“Sir, in the course of the discussion of the amendment that I moved yesterday, a suggestion was made that, if possible, we might come to some understanding regarding it. That was the stage at which we agreed that we could keep off further consideration of clause 15. It is quite true that the hon. the Revenue Member is not called upon to move, at present, that the Bill need not be passed into law. But if I withdraw my amendment now and allow clause 15 as it is and later on make a motion for a further amendment, the Revenue Member will be at liberty to come forward with various objections. Therefore, if the hon. the Revenue Member will not make a motion now, I have no other alternative than to proceed with my amendment.

“Sir, in speaking on my amendment of yesterday, I wish to point out that there were two objections against the amendment. One was that it would be inconsistent with the first portion of the clause. And I am surprised to find that my friend, Mr. Krishnan Nayar, went the length of saying that it would not only be inconsistent but also that it would reflect no credit on this House if it should be accepted in that form. Probably he was not aware of the fact that by accepting the first amendment we were actually making the position worse than before. Therefore, it is quite essential that while maintaining that position for the purpose of determining the liability of these three different persons regarding the maintenance or renewal of the survey marks, it is essential that, when we come to the operative portion of making provision for the recovery of the cost, we should fix it upon the landholder. I can point out to the House that there is absolutely no inconsistency in it. I can show any number of parallels where there are particular clauses to determine the rights of parties and altogether different clauses which provide for the remedies for the purpose of enforcing the rights created by the previous clauses. I go further and state that it is only when we do not make such a provision as is contemplated by the amendment I have moved, it will reflect upon the work done in the Council.

“Another objection which, I remember, was raised yesterday was that the retention of the words ‘and apportion the cost of so

3-45 p.m.

‘doing’ would give rise to some anomaly. It was my friend, Mr. Ramachandra Rao, that raised that objection. But let me remind the House that the words ‘and apportion’ were in this clause even before the amendment was accepted by this House. Even though under clause 15, as originally drafted, the person from whom money was to be recovered was the registered holder, the words ‘and apportion’ remained in that clause. Therefore the words ‘and apportion’ were used not for the purpose of apportioning the responsibility as between these three different persons, but for the purpose of the apportionment of the cost as between the maintaining, renewing and repairing of the survey marks. Therefore, the presence of the words ‘and apportion’ need not give rise to any difficulty; and, taking the spirit of it, it can only mean the apportionment of the cost in respect of the three different works carried on. It is true that by the addition of the words ‘owner or occupier’ it has been possible to construe or misconstrue the words ‘and apportion’; and if there is any such difficulty, I believe that the object will be served by the words ‘and apportion’ being dropped out from the clause altogether. That can very easily be done by one of my friends separately moving it as a consequential

22nd December 1922] [Mr. A. S. Krishna Rao Pantulu]

Clause 15—cont.

amendment. The words 'determine the cost' are sufficiently comprehensive to include within their purview the question of the apportionment also, and the words 'and apportion' are absolutely superfluous and there is no necessity for retaining them at all in this clause. Therefore, Sir, I submit that it will be unfair on the part of the Government to oppose this amendment. The amendment is intended merely to make it obligatory on them to recover the cost as an arrear of land revenue only from the registered holder. Till the other amendment was passed, they accepted that position and did not demur to it, and they ought not to take advantage of the addition of the other two words which created additional liability on the owner or the occupier for the purpose of enforcing the remedy against those persons also. I propose that this amendment should go forward."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—
"I wish at once to point out, Sir, that the difficulty in which the House finds itself involved to-day is one of its own creation. Government were not at all anxious to bring on the scene the individuals who had been dragged in yesterday. We made it sufficiently clear that the recovery should be only from the registered holder as indeed the original clause will show. Even when this amendment was moved, I, on behalf of Government, objected to it and said that the addition of those words would create difficulties for which there was no possible solution. We possess at present a register where we record the names of what we call the registered holders. We have no chance, no means and no opportunities of knowing who the real owner of that property is, who the real occupier of that property is, and, if occupier, with what title, or with what right, and whether he is liable to pay any incidental expenses to Government at all. All these difficulties I pressed, and pressed as hard as I could, but the House was determined to incorporate those words. After having incorporated them, they find that they have now involved themselves into difficulties out of which they want to extricate themselves, and I am sure, Sir, that the proposed solution will land them again into fresh difficulties.

"However, it is now the intention of the amendment, although the liability in the first part of this clause attaches to three individuals, viz., the registered holder of Government land, the owner or the occupier, to recover the cost only from the registered holder and to leave the owner or the occupier seriously alone. Now, if the clause is left as it is, then there is another difficulty with which I am confronted. The words are 'determine and apportion the cost of so doing and recover such cost as an arrear of land revenue.' Now, when three distinct individuals are mentioned in the early part of the clause as being legally liable to Government for the payment of these expenses, and when in the body of the same clause it is distinctly stipulated that the cost must be determined and apportioned, one will naturally imagine that the apportionment refers to the three different individuals. But the latter portion of the clause says: 'No, the apportionment does not relate to these three individuals at all; the recovery shall be made only from one of the three.' If the recovery is to be made from one of the three only, why should legislation specify two others as being liable for a thing for which law does not attach any liability on them at all? When the other two are exempted from liability, why should they be brought on the same category as the registered holder and be placed on a similar par

[Sir Muhammad Habib-ul-lah Sahib] [22nd December 1922]

Clause 15—cont.

with him and included in the distinct provision that these three individuals are liable for the cost? I mean to say, Sir, that the more you are trying to tinker with this clause, the more difficulties it will land you in. If only my advice of yesterday had been taken by the House and the clause had been left severely alone, as it was in the original Bill, all these complications could have been avoided. I am, therefore, unable to understand, Sir, what exactly it is that I am asked to accept."

Diwan Bahadur M. KRISHNAN NAYAR :—" Will it be in order, Sir, if I move that the clause 15, as amended by the Select Committee, be restored and be passed?"

The hon. Mr. K. SRINIVASA AYYANGAR :—" We do not want to oppose it at all if you bring it forward."

Diwan Bahadur M. KRISHNAN NAYAR :—" I say that, because it seems to me that the clause, as it now stands, throws the responsibility for the maintenance of these stones on three different persons, viz., the holder as well as the owner and the occupier from any one of whom the amount can be recovered. To meet the wishes of the House generally, I shall move an amendment if I am permitted to do so."

The hon. the DEPUTY PRESIDENT :—" I allow it."

Diwan Bahadur M. KRISHNAN NAYAR :—" I formally move, Sir, that the clause 15 as it stood in the Bill, as amended by the Select Committee, be restored and passed and do form part of the Bill."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" My attitude towards
4 p.m. this motion is this."

The hon. the DEPUTY PRESIDENT :—" Are you willing to allow Mr. Krishnan Nayar's motion?"

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I wish to explain my position. If the House is not going to raise any objection I have no objection to withdraw. But before knowing whether the House is going to take it up. . . ."

The hon. the DEPUTY PRESIDENT :—" Then I will put the motion to the House."

Mr. E. PERIYANAYAGAM :—" I wish to raise a point of order, viz., whether the Deputy President can preside when the President is here."

The hon. the DEPUTY PRESIDENT :—" He is outside the precincts of the House" (laughter).

Rao Bahadur K. GOPALAKRISHNAYYA :—" I wish to know whether the motion made by Mr. Krishnan Nayar is quite in order, when we have gone far ahead by way of considering clause 15. The question is whether we can go behind the consideration of that clause and now move that the whole clause as it is be taken into consideration."

The hon. the DEPUTY PRESIDENT :—" So it is that I take the permission of the House. The Government said that they had no objection and Mr. Krishnan Nayar has moved it."

Rao Bahadur K. GOPALAKRISHNAYYA :—" The Government will be very willing."

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Clause 15—cont.

Diwan Bahadur M. KRISHNAN NAYAR :—“It is against the Government.”

The hon. the DEPUTY PRESIDENT :—“Then the best thing is to put Mr. Krishna Rao's amendment to the House.”

Mr. Krishna Rao's amendment was then put and lost.

Diwan Bahadur M. KRISHNAN NAYAR :—“Now, I move, Sir, that clause 15, as it stands in the Bill and as it has been framed by the Select Committee, be accepted and allowed to stand part of the Bill.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“I second it.”

Rao Bahadur K. GOPALAKRISHNAYYA :—“Does my objection hold good, now, Sir?”

Diwan Bahadur M. KRISHNAN NAYAR :—“Sir, you have given your ruling and now the motion is before the House. It is for the House to accept or reject it.”

The hon. the DEPUTY PRESIDENT :—“I should like to have the help of the hon. the Law Member.”

The hon. Mr. K. SRINIVASA AYYANGAR :—“It is a question of the order of the President. I thought the President had given his ruling. The House has no business to go back upon the ruling of the President.”

The hon. the DEPUTY PRESIDENT :—“What I said was that I wished to take the permission of the House.”

The motion of Diwan Bahadur M. Krishnan Nayar was then put and carried and clause 15 was allowed to stand part of the Bill.

Amendment No. 41.

Mr. B. MUNISWAMI NAYUDU :—“Sir, I wish to move amendment No. 41.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“Mr. President, clause 15 of the Bill has been accepted by the Council. What Mr. Muniswami Nayudu wants to do is to add a sub-clause after clause 15 which has already been carried out. That is amendment No. 41 on the paper. I think he is perfectly in order and he can move it.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“I wish to raise a point of order.”

The hon. the DEPUTY PRESIDENT :—“You will kindly sit down.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“Certainly I am entitled to be heard when I rise to a point of order. Clause 15 has been passed; the sanction of the Council has been taken, and it has become part of the Bill. After that I beg to submit that no amendment to that clause can be allowed.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“They are only additional sub-clauses.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“Whether they are an addition or subtraction they will become part of the clause.”

[22nd December 1922]

Clause 15—cont.

Mr. C. V. VENKATARAMANA AYYANGAR :—The motion of Mr. Krishnan Nayar was that clause 15 do stand part of the Bill. That has been carried. Any amendment must have been brought as an amendment to Mr. Krishnan Nayar's amendment. That has not been done."

Mr. B. MUNISWAMI NAYUDU :—"I thought that the discussion was on the clause as it stood. My amendment is only an addition to the clause. If you will now allow me to move my amendment I will do so."

The hon. the DEPUTY PRESIDENT :—"I think he can move."

Mr. B. MUNISWAMI NAYUDU :—"I thank you for the permission given. I move :

41. (i) *Number the existing clause as sub-clause (1).*

New sub-clauses.

(ii) *Add the following as sub-clause (2) :—*

'Before a survey officer or Collector maintains, renews or repairs any survey marks, he shall serve a notice in writing on the registered holder giving particulars of the survey marks in respect of which default has been committed and calling upon him to maintain, renew or repair the same within a time to be prescribed in such notice which shall be not less than 15 days from the date of service thereof.'

(iii) *Add the following as sub-clause (3) :—*

'If the notice prescribed in sub-clause (2) cannot be served personally on the registered holder, a copy of the same shall be served also on the cultivator or other person interested in the land.'

"Clause 15 as now amended lays down an obligation on the registered holder to maintain and repair the survey marks. It also lays down that if he should default in doing so then the survey officer may, at the expense of the Government, have the repairs done, and collect the money subsequently from the registered holder. Sir, there has been a lot of discontent about the way in which this provision has been worked till now. For some time past, notice used to be given to the cultivator or the ryot and if they did not finish the repair, Government had the repairs done, sent the bill, and collected the amount. My objection to this is that this is a penal clause. Before he can be said to have committed the default, it must be clearly shown to him that he did not carry out the repairs when he was called upon to do so. If it were to depend upon the sweet will and pleasure of the karnam or the monigar, they will say 'I told him personally and he did not do it.' I also learn that it is futile to depend upon the revenue inspectors for, they cannot be expected to check the stones quarterly or annually. In any event, Sir, serious difficulty has been felt. They simply say that the stones were buried in the ground or that they repaired the stones and charge them at the rate of twelve annas each. Recently a question was asked as to the amount collected by such replacement or repairs of stones and the answer was that the amount aggregated to a lakh of rupees. If the revenue inspector says 'you should replace it', there is absolutely no chance to the ryot. Sometimes he is made aware of the fact that his stones were repaired only when the money is demanded. Then he has to contend that the stone was there and the statement that it was replaced is all wrong. In these circumstances, Sir, it is

22nd December 1922] [Mr. B. Muniswami Nayudu]

Clause 15—cont.

but fair that justice should be done to the persons concerned by the issue of notice before taking the extreme step of the Government doing the repairs themselves. This question formed the subject of a resolution in the pre-Reform days, and I am told that Mr. Siva Rao moved this resolution. There will be no chance of influencing the Government while making the rules, and I therefore submit that this amendment may be accepted by the House."

Mr. J. KUPPUSWAMI seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I wish to bring one or two important matters for the consideration of the House. In the first place let the House realize that a survey is conducted at an enormous expenditure out of the general tax-payers' money. Elaborate methods are adopted, sketches for each holding are made available, and the stones are fixed for the purpose of determining the boundaries.

"Stones are fixed for the purpose of marking the boundaries, and, after
4-15 p.m. everything has been done at the general tax-payers' expense, the law rightly throws the responsibility upon the particular owner failing to maintain intact the results which have been achieved by the survey conducted at the general taxpayers' expense. It is an obligation, therefore, on the landlord, to maintain intact such of the marks as might have been laid on his field to fix the boundaries between his land and his neighbour's land. If he fails to do so, it is a breach of the duty cast on him by law. For every breach of duty cast on an individual by law there is a penalty. The penalty in this case is not a fine or imprisonment; it is restoring what has been destroyed through the negligence of the individual who ought to have taken care of his boundary marks. The Government in such a case do not recover from the party more than the actual cost of the stone that has been replanted or repaired and the cost of labour that might have been utilized for the purpose of re-planting or repairing that particular stone. There is, therefore, no sort of hardship involved in this case. If, on the other hand, the recommendation of the hon. mover is accepted, I ask the House to remember what the consequences will be. I am not sure whether the House knows how many stones have been planted in the Madras Presidency. We have got, what we call, a stone register in which we note down every stone that is planted as a result of the survey conducted in every part of the district. To-day, Sir, according to our survey register, we have got 258,638,000 stones to maintain. Those ryots or landlords on whose fields these stones have been planted do not invariably take that care which is essential for the preservation of these boundary marks, and when they fail to do that, we have to step in; for it should be remembered that any negligence on the part of the individual concerned might merely affect that individual; but if that individual is connived at by the Government and proper steps are not taken by them for the purpose of re-doing what has been once done, the consequence will be that a survey of the whole country will become necessary more often than it is at the present moment. For, if every mark and every boundary stone that has been laid on the ground as a result of a survey is going to be obliterated soon after it has been laid, it will not only be necessary to have a 30 years' survey as we have now in anticipation of resettlement, but it will also probably be necessary to have a quinquennial

[Sir Muhammad Habib-ul-lah Sahib] [22nd December 1922]

Clause 15—cont.

survey. Is that, I ask, a financial possibility? What is the amount of work that we do at the present moment? From the same register—what we call the stone register—we find that in the last year we had to renew and repair no less than 368,691 stones. Now, does the House realize that if this amendment is accepted, it will become necessary for Government to issue notices in no less than 3 to 4 lakhs of cases every year? And mark, Sir, the notices are expected to be in writing. The quantity of stationery involved, the writing work thereby necessitated, the printing that it will occasion, the amount of extra hands who will be needed to do the writing work in respect of 368,691 notices and probably the amount of postage that would be involved for despatching these notices to registered holders to their last-known addresses, all mean an unthinkable problem. Is it, I ask, the intention of the House that we should face this additional expenditure at this moment? Then it is stated, Sir, that after the abolition of the Land Records Department, which the hon. mover and I in common regret, the duty has now been cast on the ordinary Land Revenue Inspector who from his own standpoint can fudge things as he likes. But I say that even when the Land Records Department was in existence, whose rather unhappy burial we all regret, it was the same Revenue Inspector, and it was the same village headman, who were responsible for what we call the maintenance work; and the fact that the Land Records Department has been abolished, though its duty has now been transferred to the ordinary Land Revenue Department—and this in its turn naturally utilizes the services of the karnam or the monigar—does not alter the situation at all. For, the same element that was working under the old system is also the element now working under the present system. Unless and until, Sir, I am told or at any rate some proof is forthcoming to the effect that these 368,691 stones which are being repaired in the course of one year are all imaginary doings of the village officials, I, for one, cannot accept that assertion. It may be that here and there there may be an act of indiscretion on the part of somebody; but that does not condemn the system as a whole. It condemns the man and his action. If, therefore, I am going to be asked to accept this tall order which is proposed to be issued to me by means of this amendment, that I should serve a notice in writing on the registered holder giving particulars of the survey marks in respect of which default has been committed and call upon him 'to maintain, renew or repair the same within a time to be prescribed in such notice which shall be not less than 15 days from the date of service thereof', if I am asked to carry out this tall order which is contained in this amendment, I fear, Sir, the Council will have to be prepared to give me the necessary sinews of war to enable me to carry on its wishes in this direction; and I cannot, at the present moment, tell the House what exactly will be the total expenditure involved. For I have had no opportunity of working out accurately what additional establishment will be necessary in each village for doing this work. If the House passes this amendment I shall work out the whole thing and incorporate it in the next budget."

SAIYID MUHAMMAD PADSHA SAHIB Bahadur:—"Mr. President, Sir, I beg to oppose this amendment. I am sorry that I have to do so; because my opposition is based not on any consideration of the actual issues involved in this amendment but merely on a technical point. I submit, Sir, that the

22nd December 1922] [Saiyid Muhammad Padsha Sahib]

Clause 15.—cont.

House will not do justice to itself if it carries the amendment. After all the various amendments on this clause were discussed, deliberated upon and disposed of by this House, all that labour was lost by the decision of the House to allow the original clause, as drafted by the Select Committee, to stand in the Bill. So, Sir, in my view, if this amendment is accepted, it will be showing a preferential treatment to it, while all the others have been swept away by the previous decision of the House. If we allow this amendment to go forward, we have also to take into consideration all the various amendments which have been already disposed of and there will thus be no end. On these grounds, I oppose the amendment now before the House."

Amendment No. 41 was put to vote and lost.

4-30 p.m.

Rao Bahadur K. Gopalakrishnayya demanded a poll and the House divided as follows:—

Ayes.

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| 1. Rao Bahadur T. A. Ramalinga Chettiyar. | 14. Mr. K. Sarabha Reddi. |
| 2. Mr. K. Adinarayana Reddi. | 15. Mr. W. P. A. Soundarapandia Nadar. |
| 3. Rao Bahadur V. Appaswami Vandayar. | 16. Mr. K. Sitarama Reddi. |
| 4. Diwan Bahadur C. Arunachala Mudaliyar. | 17. Dr. P. Subbarayan. |
| 5. Rao Sahib S. Ellappa Chettiyar. | 18. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 6. Diwan Bahadur Sir P. Tyagaraya Chettiyar. | 19. Mr. C. V. Venkataramana Ayyangar. |
| 7. Mr. O. Tanikachala Chettiyar. | 20. Rao Bahadur C. V. S. Narasimha Raju. |
| 8. Mr. W. Vijayaraghava Mudaliyar. | 21. Mr. A. Ranganatha Mudaliyar. |
| 9. Rao Bahadur K. Gopalakrishnayya. | 22. Mr. R. Srinivasa Ayyangar. |
| 10. Mr. B. Muniswami Nayudu. | 23. Mr. M. Soryanarayana. |
| 11. Mr. A. T. Muttukumaraswami Chettiyar. | 24. Mr. S. Arpudawami Udayar. |
| 12. Rao Bahadur C. Natesa Mudaliyar. | 25. Mr. K. Prabhakaran Tampian. |
| 13. Mr. V. P. Pakkiriswami Pillai. | 26. Khan Bahadur Muhammad Usman Sahib Bahadur. |

Noes.

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| 1. The hon. Sir Charles Todhunter. | 15. Diwan Bahadur T. N. Sivagnanam Pillai. |
| 2. " Khan Bahadur Sir Muhammad Habib-ul-Jah Sahib Bahadur. | 16. Mr. S. Somasundaram Pillai. |
| 3. " Mr. K. Srinivasa Ayyangar. | 17. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 4. " the Raja of Panagal. | 18. Mr. S. Muttumanikkachari. |
| 5. " Rai Bahadur K. Venkatreddi Nayudu. | 19. Diwan Bahadur D. Seshagiri Rao Pantulu. |
| 6. " Rao Bahadur A. P. Patro. | 20. Rev. W. Meston. |
| 7. " Mr. A. R. Knapp. | 21. Saiyid Muhammad Padsha Sahib. |
| 8. Mr. F. J. Richards. | 22. Khan Sahib Muhammad Abdur Rahim Khan Sahib. |
| 9. Mr. R. G. Grieve. | 23. Khan Bahadur Muhammad Sadulla Badsha Sahib. |
| 10. Mr. E. Periyamayagam. | 24. Khan Sahib Munshi Muhammad Abdur Rahman Sahib. |
| 11. Mr. T. C. Tangavelu Pillai. | 25. Rao Bahadur M. C. Raja. |
| 12. Mr. A. Ramaswami Mudaliyar. | 26. Mr. L. C. Guruswami. |
| 13. S. R. Y. Ankinedu Prasad Bahadur. | |
| 14. Mr. M. Appalanarasayya Nayudu. | |

The Deputy President (*from the Chair*) gave his casting vote for the amendment, and the amendment was *carried*.

Then clause 15 as amended was put, passed and added to the Bill.

Clause 21.

Amendment 62.

Mr. B. MUNISWAMI NAYUDU :—" I move, Sir,

62. *After the words 'the collector may' in line 43, insert the following:—*
'after giving notice to the tenant or proprietor in the manner provided in sub-sections (2) and (3) of section 15.'

[Mr. B. Muniswami Nayudu] [22nd December 1922]

Clause 21—cont.

“Sir, this amendment covers cases of proprietary estates also. I do not know how the proprietors can be compelled to pay the cost of survey without previous notice being given to them. This amendment attempts to give the proprietor and the tenant the same protection which the amendment now carried with your (Deputy President's) casting vote does. It is therefore necessary that before the survey officer comes and demands the charge, due notice should be given. With these words, I move the amendment.”

Mr. J. KUPPUSWAMI seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“I oppose the amendment. I have nothing further to add to what I have already stated. If the proprietors are prepared to shoulder the additional cost, I have no objection.”

The amendment was put and carried.

Clause 21 as amended was put, passed and added to the Bill.

The Preamble.

• The Preamble was then put and carried and added to the Bill.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“Sir, in view of the fact that a large number of amendments have been accepted by this House, and with a view to examine once more whether any further consequential amendments will be necessary, I do not move at this meeting that the Bill be passed into law, but I move that it be adjourned to 29th January 1923.”

The hon. the RAJA of PANAGAL seconded it.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“This is exactly the course which has been suggested to my hon. friend two hours ago. It is now open to my hon. friend, the Revenue Member, and my other friends to bring in any amendments at the next meeting.”

The motion for adjournment to 29th January was put and carried.

The House then adjourned to meet again at 11 a.m. on the 29th January 1923.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

22nd December 1922]

APPENDIX C.

[Vide page 1179 supra.]

To

THE HONOURABLE THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS.

We, the undersigned members of the Select Committee appointed to consider Bill No. 10 of 1922 (A Bill to provide for the reorganization of the Madras University), have the honour to submit the following report.

2. The Select Committee had four sittings on the 1st, 2nd, 7th and 8th December and finally met on the 9th idem to consider its report.

3. The Bill was published in the *Fort St. George Gazette* in English on 17th October 1922.

4. A representation from the Madras Teachers' Guild was placed before the members of the Select Committee and considered by them.

5. There was some discussion as to the definition of affiliated and constituent colleges. It was suggested that the limit of the university may be removed and constituent colleges recognized outside the limit. The committee by a very large majority felt that it would be violating one of the fundamental principles of the Bill if the suggestion were accepted. It was further suggested that provision may be made in the Bill recognizing certain colleges as the nuclei of future universities. The committee rejected the proposal as it would be invidious to make such a selection.

6. The committee decided following the precedents of modern universities both in Great Britain and India to have a pro-Chancellor and provided that the Minister of Education should be the pro-Chancellor ex officio. Section 10 of the Bill relating to the election of the Vice-Chancellor has been modified giving the power of appointment to the Chancellor from among five persons selected by the Senate, the pay being fixed by the Senate and not by the Chancellor.

7. The committee generally felt that the Senate could, with advantage, be a larger body and has increased the representation of both the academic and the non-academic elements therein.

8. With a view to remove the apprehension that mufassal interests may not receive adequate attention at the hands of the Senate, each district is allowed to send two representatives to the Senate.

[22nd December 1922]

9. Consequent on the increase of the strength of the Senate, its representation on the Syndicate has been increased from six to eight. The number of representatives of the Academic Council and the Council of Affiliated Colleges on the Syndicate has been increased from two to three, while the provision as to electing two members by the principals of affiliated colleges has been dropped. An extra seat is provided for nomination by the Chancellor to safeguard the interests of communities not otherwise adequately represented.

10. The constitution and powers of the Academic Council which were provided in the schedule by the statutes have been brought into the Act as they were considered of sufficient importance to be fixed or altered only by the Legislature. The composition of the Academic Council was increased by the addition of a larger representation of the teaching element both from constituent and affiliated colleges as the committee felt that, unlike the Senate which was a governing and administrative body, the Academic Council should, as far as possible, be composed of academic persons representing various subjects of study.

11. The committee by a majority decided to delete the provision requiring the assent of the Chancellor to statutes passed by the Senate. The committee unanimously decided that ordinances need not be subject to the veto of the Chancellor but that a mere suspensory power till the ordinances were considered by the Senate, was sufficient.

12. The term 'regulations' has been introduced for describing the rules made by the Academic Council, and provisions similar to those relating to ordinances have been made regarding their enactment.

13. It was proposed that the provisions regarding the composition of the Council of Affiliated Colleges should be brought into the Act so as not to give freedom to the Senate to change the composition by statutes from time to time. The proposal was not acceptable to the committee. It was further suggested that provision may be made for the dissolution of the single Council of Affiliated Colleges by the Senate and the creation in its place of two or more councils for different groups of districts. It was urged in support of this suggestion that a single council was an unwieldy body and that the interests of the affiliated colleges in the north were not identical with those of the affiliated colleges of the south, and that further the formation of such different councils would facilitate the development of future universities. On the other hand, it was pointed out that the value of the recommendations of the Council of Affiliated Colleges would be lessened if there were several councils sending up perhaps different proposals to the Senate and to the Syndicate, and that there would

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be consequent loss of co-ordination of effort on the part of affiliated colleges and those interested in them. The committee negatived the proposal. It was next urged that there should be an Executive Committee of the Council to carry out the largely increased powers proposed to be given to the Council, and that a separate fund should be created for the Council of Affiliated Colleges to which should be credited the income from fees, endowments, grants and the contributions of the Local Government. In support of the proposition to set up an Executive Committee for the Council of Affiliated Colleges it was urged that the powers of the Council should be largely enhanced and should include the power to prescribe separate courses of study for the students of affiliated colleges and to conduct separate examinations. It was pointed out that the mufassal educationists that were consulted on the subject were entirely against the prescribing of separate courses of study or the holding of separate examinations for mufassal colleges. It was then urged that an immediate separation in these two matters was not contemplated but that provision may be made for the ultimate holding of separate examinations and prescribing of separate courses of study for these institutions and that power may be taken in the Act for the purpose. The committee felt, however, that even a permissive power like that would be misunderstood as aimed at lowering the status of affiliated colleges and consistently with the emphatic declaration that had been made in the Legislative Council that separate examinations and separate courses of study for constituent and affiliated colleges was not contemplated either in the present or in the immediate future, the committee did not accept the proposals. Consequent on this decision, the committee felt that there was no necessity to constitute an Executive Committee for the Council of Affiliated Colleges and that all practical purposes would be served by the provision for the formation of standing or other committees which was embodied in the Act.

14. It was further provided that, in addition to the present functions, the Council of Affiliated Colleges may make proposals to the Syndicate for the co-ordination of the teaching resources in suitable mufassal centres and the development of academic life with a view to the formation of new universities and generally to advise the Academic Council and the Syndicate regarding courses of study and examiners. It has also been provided that the Council may lay before the Government its proposals for the financial provision to be made for affiliated colleges and generally to advise the Government regarding the distribution of grants to affiliated colleges. The composition of the Council of Affiliated Colleges was slightly changed giving representation to the principals of second-grade colleges and to each one of the districts.

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15. Regarding the transitory provisions, the committee felt that the powers conferred on the Vice-Chancellor by the draft were rather excessive. The clause has been suitably amended requiring the Vice-Chancellor to constitute the several authorities of the University within a definite period and allowing the existing regulations to continue in force until the new authorities had framed their Statutes, Ordinances and Regulations.

16. A section has been added requiring the Senate to submit a report to the Local Government on the condition of affiliated colleges and on the question of creating other universities outside the limits after a period of five years from the date of the Act. This provision was made so as to cast a positive obligation on the Senate to review the position of affiliated colleges, their condition and circumstance at least after a period of five years.

17. The changes made by the Select Committee are printed in clarendon type throughout the Bill.

18. The committee do not consider that the Bill has been so altered as to require republication and does not therefore recommend its republication.

A. P. PATRO.
C. P. RAMASWAMI AYYAR.
W. MESTON.
M. RATNASWAMI.
O. TANIKACHALA CHETTI.
MUHAMMAD USMAN.
K. RAMUNNI MENON.
P. SUBBARAYAN.
T. A. RAMALINGA CHETTIYAR.
R. VENKATARATNAM.*
A. T. PALMER.
E. MONTEITH MACPHAIL.
R. G. GRIEVE.
A. RAMASWAMI MUDALIYAR.
S. ARPUDASWAMI UDAYAR.*
G. VANDANAM.
S. R. ANKINEDU PRASAD BAHADUR.
C. R. REDDI.
M. KRISHNAN NAYAR.
A. RANGANATHAM.*
C. V. S. NARASIMHARAJ.*
A. S. KRISHNA RAO.*
M. RAMACHANDRA RAO.*

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MINUTES OF DISSENT.

I sign the report but do not approve of clause 10 (1) which makes the Hon'ble the Minister for Education ex officio Pro-Chancellor of the University. In my opinion, the Minister should not be subjected to the risk of finding himself in a position where he may be unable to secure support in the Council for a measure which he strongly approved of in the University. Also, I do not agree to clause 14, class III (1), which prescribes the principle of proportionate representation in the case of election by registered graduates only. The principle should be made applicable to all elections under the Act.

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A. RANGANATHAM.

The Bill as amended in the Select Committee retains most of the features to which objection was taken when it was introduced into the Council and some of the alterations made in the Select Committee have made the new organization of the University even more unacceptable than it was under the Bill.

The scheme of University reform formulated by the Sadler Commission was designed to meet the peculiar conditions of the Presidency of Bengal. They discussed various methods for affording relief to the Calcutta University and amongst them was the creation of new Universities at various mufassal centres. The Commission came to the conclusion that 'there was no college in the mufassal that was as yet ripe to be transformed into a University.' They also found that the proposal for a University of Bengal for the areas outside the city of Calcutta was unanimously rejected by representative conferences who asserted their desire to maintain their connexion with the University of Calcutta. The Commission, after weighing every practicable alternative, came to the conclusion that 'the only immediate solution of the problem was to be found in some form of association between the mufassal colleges and the University of Calcutta' and for that purpose they proposed the establishment of a Mufassal Board which would leave to the mufassal colleges under its jurisdiction the maximum degree of freedom, while freeing the teaching University, as far as possible, from the entanglements of an affiliating system. The circumstances in this Presidency are entirely different. For several years public opinion in this province has favoured the formation of new Universities and the demand for them was put forward in the various conferences from time to time. The matter was brought up for discussion in the Legislative Council more than once and about a year ago the

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Government appointed a representative Committee to go into the question and the report of the Committee recommending the formation of a new University for the Andhra districts has been in the hands of the Government for several months. The Senate of the Madras University also suggested in October 1921 the formation of new Universities on linguistic lines and the immediate establishment of a new University for the Andhra districts.

Under these circumstances the natural line of reform was to make a clean cut and to reduce the present jurisdiction of the University of Madras as recommended by the Andhra University Committee. This would have avoided the complexity of organization embodied in the Bill. It is therefore unfortunate that the Bill still maintains the unwieldy territorial jurisdiction of the University and that a form of administration specially devised to meet public opinion in Bengal should have been adopted in the Bill in regard to the administration of the affiliated colleges notwithstanding the fact that opinion in this province has unanimously favoured the establishment of new Universities as the only sound measure of decentralization.

2. Even apart from this view the position assigned in the Bill to the council of the affiliated colleges is a very serious departure from the proposals made by the Sadler Commission for the Mufassal Board for the purpose of controlling and regulating the mufassal colleges. The scheme outlined by the Commission was intended to secure for the mufassal colleges, a certain degree of academic autonomy and adaptation of courses of study to their own resources and to the needs of their students under the ægis and supervision of the teaching University of Calcutta. The Commission suggested that the Mufassal Board should have some real independence and responsibility in shaping the courses normally pursued by the mufassal colleges, subject however to the review of the academic council, that it should have the power of conducting all examinations of the mufassal colleges, to recommend examiners for appointment by the Executive Council of the Senate and to propose arrangements, when desirable, for the use of the same papers used in the corresponding examinations of the teaching University and for the appointment of the same examiners, that the Board should have funds at its disposal, including the receipts from the examination fees and any grants made for this purpose by the Government. These funds are to be kept separate from the other funds of the teaching University and to be expended in the interests of the mufassal colleges. It was also the view of the Commission that there should be a different budget of receipts and expenditure and that the Mufassal Board should have an executive council to carry on its work. In fact, the Mufassal Board was to deal with the educational

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requirements of the colleges situated beyond the limits of Calcutta and the functions and the constitution of the Board were so devised as to secure a certain amount of association with the Teaching University of Calcutta while at the same time giving into the hands of the Board substantially the management and the control of the colleges in the mufassal. The constitution of the 'Council of Affiliated Colleges' under the present Bill can only be justified if some such functions are assigned to it. Under the present Bill the council will not perform any of these functions. The reason for this change has not been made to us clear but some reference has been made by our colleagues to a consultation with mufassal educationists on the subject. From the note furnished to us, it is clear that the conference consisted of a casual consultation with six principals of mufassal colleges who happened to be in Madras for another purpose. It is evident from the note that the issues were not placed before them clearly, that no resolutions were adopted, that there was no report of the Proceedings except the note of the Director of Public Instruction of what took place at the meeting. The note says that the principals suggested that the provision was necessary in the Bill for separate examinations and courses of study being instituted in the future if the trend of academic events showed that this was desirable. Our colleagues would not accept this unanimous expression of opinion on this matter. It is also clear from Father Carty's note appended to the Director's note that the proposals then discussed were seriously misunderstood. In these circumstances, we are not prepared to accept the statement that mufassal educationists were against the proposals referred to in paragraph 13 of the report in regard to the functions and powers of the council of affiliated colleges. In the Bill as originally published for public criticism some of these powers were proposed to be conferred on the council; provision was also made therein for the constitution of a fund to be administered by the council and for a separate annual budget and for the separation of these funds from the general funds of the University; and a further provision was also made for a separate executive committee for the council. This scheme of functions and powers has been abandoned and the Bill now assigns very subordinate duties to the council.

The council will have, under the Bill, no funds to administer and consequently no executive committee to look after its affairs. In fact, the council of the affiliated colleges will be a minor body in the organization of the University with advisory functions. The constitution of a council consisting of nearly 100 members representing mufassal colleges, the teaching profession, the district boards and municipalities, professors of universities, and various other members merely for rendering advice of the character mentioned in the Bill

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to the Syndicate and the academic council is altogether unjustifiable. It will not be a real link between the mufassal colleges and the University, nor will it take a legitimate share in the control and management of mufassal colleges. It will be a sheer waste of time and of public funds to constitute a council such as that proposed in the Bill. There would be no real decentralization of the functions of the present University and the position of the mufassal colleges under the new constitution would be much worse than under the present Act. We also feel that a single council for all the mufassal colleges throughout the presidency may prove to be unwieldy and may not function to the best advantage of the mufassal colleges. It was suggested by us that the Senate should be empowered if the necessity arose in future to constitute two or more councils for different groups of districts. The councils so constituted will not exercise different functions and if they consider it necessary to make different proposals to suit their own peculiar conditions, they ought to be enabled to do so. The constitution of different councils for different groups of districts would, in our opinion, be the most suitable way of promoting the formation of new University centres as quickly as possible and we regret that our colleagues have not been able to agree with us in this matter. It was also suggested by the Sadler Commission that during the period of transition the stronger and the more progressive colleges in the mufassal should be differentiated, without injustice to the rest and be recognized as potential Universities thus giving them opportunities of further development and of appealing to the patriotism and public spirit of their districts. The Sadler Commission stated that these colleges should be known as University colleges. We feel strongly that there are in some of the mufassal centres colleges whose standard of equipment and general efficiency is equal to the constituent colleges in the city of Madras and which should be definitely recognized by the Senate from the outset as potential University centres. We are of opinion that statutory provision should be made for the recognition of such colleges and that such a step would bring about the desired reform earlier than otherwise. We regret that our proposal in this respect had not met with the approval of our colleagues.

3. We desire to invite attention to another aspect of the scheme outlined in the Bill. Considerable apprehensions are entertained by those responsible for the well-being of the mufassal colleges that the constituent colleges in the city of Madras would be regarded as the real University under this Bill and would absorb all the available funds for University education and that the colleges in the mufassal would be starved for want of funds. Even as it is, there has been a complaint for several years that the mufassal colleges do not receive their legitimate share of the public funds

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by way of grants-in-aid and that the colleges in the city of Madras are able to get a disproportionate amount of grants every year. Even the Government colleges at Rajahmundry and Kumbakōnam have seriously suffered in this respect and additions and improvements advocated for years in the matter of accommodation, equipment and staff have remained unattended to for some years for want of funds. This disparity has existed for several years, and has formed the subject of complaint both by the managers of the institutions and also in the Legislative Council.

Past history of the subject does not, therefore, justify any hope that any better treatment would be accorded to the colleges in the mufassal in future. The professed object of the Bill is the establishment of a residential and teaching University in the city of Madras and the separation of the mufassal colleges therefrom. Genuine fears have been entertained throughout the Presidency that whatever funds are made available by the Government for University education would be devoted to a very large extent to making the project of a residential and teaching University a success and that the constituent colleges would receive preferential treatment. Similar apprehensions were expressed when the Calcutta University Commission investigated the problem in Bengal. They came to a deliberate conclusion that the constituent colleges in Calcutta receiving grants-in-aid would put forward new demands in consequence of the reforms advocated by them, that the University would also put forward large demands for expansion and development and that similarly demands for assistance from mufassal centres would come which would have to be met. They considered it important that all these demands should be laid before the Government at the same time and in a co-ordinated form; that financial needs of higher education in that province as a whole should be considered; that they should be accompanied by the comments and criticisms of a body capable of taking into consideration the needs of the whole province and the relative importance of the various demands. They therefore recommended that all requests for financial aid from Government by Calcutta colleges, mufassal colleges, and from even Government colleges, should be forwarded to the Government through the Executive Council of the new University organization recommended by them which, under the present Bill, corresponds to the Syndicate. It would thus be clear that the Commission contemplated co-ordinated action in the distribution of the funds available amongst the three agencies, namely, the University, the constituent colleges in Calcutta, and the mufassal colleges. The needs of all the three have to be considered together with a view to secure not only a fair distribution of public funds

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amongst them but also to prevent the development of any one of them at the expense of the other two. The Bill has made no provisions for an equitable distribution of funds and in view of what has transpired in the past and the very serious apprehensions entertained in this respect we consider that statutory provision for the constitution of a committee in which all the interests are represented should be made in the Bill to examine the needs of University education from time to time and to advise Government in the allocation of the grants in order to meet them. Unless some provision of this sort is made, we consider that the proposals in the Bill will be altogether unacceptable to those in the management of the mufassal colleges and that the yearly allotments for University education would be mostly distributed among the constituent colleges and the University. The Bill as amended by the Select Committee merely provides for the council making representations to the Government about the distribution of grants only to the affiliated colleges. There are no provisions in the Bill for ascertaining the relative needs of the University, the constituent colleges and the affiliated colleges and to make a suitable distribution of the available funds between all the institutions. The constituent colleges and the University, will look to their own interests and approach the Government direct for assistance. Apart from other reasons the concentration and co-ordination of resources in higher teaching and research which it is the object of the Bill to promote can never be carried out unless there is a co-ordinated plan in the distribution of funds for future development. A single authority to co-ordinate all these requests and able to view the problem as a whole and to advise the Government is very desirable. Our considered opinion, therefore, is that without a proper co-ordination of the financial resources of the Government for securing a proper distribution of public funds among the three classes of institutions, the establishment of a teaching and residential University is certain to divert the funds available for University education, more and more to the colleges in Madras and the establishment of new University centres in the mufassal would be seriously retarded, if not altogether prevented.

4. The provisions relating to the Senate as modified in the Select Committee are also unsatisfactory. The Senate under the proposals of the Select Committee would consist of about 180 or 200 persons. Of these 55 would represent local bodies, viz., the Madras Corporation, the district boards and the mufassal municipalities. There are precedents elsewhere in the charters of some of the Universities where municipal corporations contributing to the funds of the University are given the power of representation and a similar privilege may be accorded to the local bodies in this province but

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not without any contributions from them. The ex-officio and the nominated element in the Senate would be about 60 or 65 and this would be about one-third of the total strength of the Senate. There is no justification for this either. The Sadler Commission expressed the opinion that the nominated element in the Senate should occupy a subordinate position. The method of election by single transferable vote is adopted only in the election by registered graduates and not in the case of the other constituencies. No provision has been made in the Bill for the representation of bodies and associations promoting cultural work in this Presidency.

5. The provision made by the Select Committee for the appointment of a Pro-Chancellor is also unnecessary. Our colleagues are also of opinion that the Minister of Education should be the Pro-Chancellor of the University ex officio. The aim of University reform has been to free the Universities as much as possible from the control of Government and the appointment of the Minister of Education as the Pro-Chancellor is without precedent and is a fundamental departure from the principles of the Bill.

6. Under the Bill, as originally introduced, the Vice-Chancellor was to be elected by the Senate from among persons recommended by the Syndicate subject to the confirmation of the Chancellor. This provision has also been altered by our colleagues and the Chancellor has been empowered to appoint the Vice-Chancellor from among five persons recommended by the Senate. We see no justification for depriving the Senate of the power of appointing its own Vice-Chancellor and transferring this power to the Chancellor. There are other objectionable modifications in the constitution of the various authorities of the University to which we need not refer at any length, which are prejudicial to sound University administration and to the growth of an autonomous University.

7. Finally the professed object of this Bill is the establishment of a teaching University in the city of Madras and it has been stated that the affiliating functions of the University are only temporary. It is, therefore, necessary that this should be frankly recognized in the Bill by limiting these functions to a period of five years. This step will force attention to the subject of the early formation of new Universities. The Bill has not been referred to the Senate and we have not had the benefit of the considered opinion of the chief authority in University education in this Province. It has been brought forward for consideration without arriving at a decision on one of the most vital points of University reform, namely, the position of the intermediate colleges in the future organization of education in this Presidency. The reconstruction of the system of University organization embodied in the Bill is so far reaching in its

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scope and would so vitally affect the future of University education in this Province that we feel no doubt whatever that an early review of the position created by the provisions of the Bill after it becomes law would become necessary. We are also of opinion that the changes introduced in the Bill at the Select Committee stage are of sufficient importance to render its republication necessary.

M. RAMACHANDRA RAO.

C. V. S. NARASIMHARAJ.

18th December 1922.

The Bill provides for the creation of a teaching and residential University in Madras with constituent arts and professional colleges within a radius of ten miles and with affiliated colleges scattered over the entire length and breadth of the Madras Presidency, out of which are to spring up, in future, other local teaching and residential Universities. There can be no valid objection, no reasonable opposition, to the scheme of starting a teaching and residential University in Madras, provided suitable provisions are embodied in the Bill for translating into action, in the not distant future, the wish expressed in the third clause of the Preamble that 'it is desirable by the concentration and co ordination of resources for higher teaching and research at suitable centres outside the limits of the University, to prepare for the institution of new Universities'. It is true the Bill, as amended by the Select Committee, empowers the Council of Affiliated Colleges to make 'proposals to the Syndicate for the co-ordination of the teaching resources in suitable mufassal centres and the development of academic life with a view to the formation of new Universities. But this does not go very far. No new Bill is required, no Council of Affiliated Colleges need be called into being for recommending co-ordination of the teaching resources which, under the present Act, can be readily effected by mutual agreement between the principals of first-grade colleges in any given centre. The real thing wanted, that which will, in the near future, lead to the institution of local Universities is the determination and selection by the Local Government in consultation with the Senate or the Syndicate and the Council of Affiliated Colleges of what are deemed suitable centres so that, simultaneously with the institution of the teaching and residential University in Madras, University centres in other parts, one at least for each principal linguistic area may be formed, enjoying, as the Calcutta Commission Report recommends, a certain degree of autonomy in the planning of their courses and the conduct of their examinations. These University centres will consist of colleges or groups of colleges

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providing facilities for higher specialized courses and research work and therefore occupying a rank or status equal to that of a constituent college of the University. The courses and examinations need not necessarily be different in the beginning. The different University centres may be given the option of having the same courses and examinations as the University or of specializing under the tutelage of the present University, in certain courses not provided for by the University but better suited to local requirements and better adapted for the development of local resources. The university may, through the Council of Affiliated Colleges, issue, from time to time, such instructions as may be found necessary for maintaining the same high standard or level of efficiency as obtains in the constituent colleges.

The institution, therefore, of university centres, universitates inchoate or potential Universities, as the Calcutta Commission's Report terms them, cannot be delayed. Provision should be made for them, and for the machinery which has to bring them into existence, simultaneously with the university, in the body of the new Bill. My reasons for suggesting this course are as follows:—

(1) The simultaneous institution of university centres will quicken and intensify culture and academic life in the mufassal and will, by fixing beforehand certain nuclei of future universities, rouse up, on the one hand, local patriotism and philanthropy to provide the necessary funds and means for future universities and, on the other, serve as pledges of the good-will of the university towards the mufassal.

(2) The present university is far too unwieldy, it is said, to promote intensive training or provide far greater efficiency in advanced courses or afford enlarged scope for specialization in higher research work. The new Bill does not mend matters by seeking to increase efficiency in Madras by means of university teaching and efficiency in the mufassal by a system of examinations.

Nor does it relieve the university of its unwieldiness. For the teaching university in Madras is required to give the very best kind of teaching it can provide within the ten-mile limit and at the same time supplement the teaching provided by the affiliated colleges. To these teaching functions are also added the functions of an examining body. These inconveniences are removed by the institution of university centres. They will increase efficiency in their respective areas and thereby contribute to the efficiency of the parent university. They will serve as effective barriers against the unification or centralization, as it were, of all courses, and of the subordination of all initiative, of all individual tastes and inclinations to the rigorous demands of one standardized system of examinations.

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(3) If purely educational considerations were kept in view, these centres should be welcomed as forming an intermediate stage. From the broad stage of a Presidency-wide university to the final stage of multiple local universities normal development requires an intermediate stage. This represents the stage at which university centres should be started, developed and improved until like ripe fruits they could separate themselves from the parent tree and grow into separate plants and trees having their own separate existence and life, or until like tutored children develop and attain the age and position when they could live by themselves and be really independent. This is the radical defect of the present Bill. It disregards the laws of nature. Should this plan of the intermediate stage be adopted, Madras will lose nothing. It will have its ten-mile limit. It will enjoy its place of precedence, its place of honour as the metropolis. It will still be the better provided seat, the headquarters of the university, the exclusive centre for a long time for engineering, law and medicine. The imposition of the ten-mile limit will not then give it the aggressive, exclusive and anti-mufassal character which it now assumes by law. The re-organization of the university on the lines here suggested, on the principle of a natural transition from the intermediate to the final stage, will permit of any one of the university centres becoming a distinct university without injury to the other parts of the university. But the re-organization effected by the Bill is a violent operation, the cutting off, as it were, of the head from the members.

The Council of Affiliated Colleges must be armed with powers, to become an effective instrument, in conjunction with the Local Government and in consultation with the Senate or the Syndicate, to select and develop these university centres. For this special purpose, and for the general purpose of safeguarding mufassal interests which slightly differ in the different linguistic areas, it is highly desirable that there should be two councils of Affiliated Colleges, one for the north and one for the south.

The following were the chief functions which the minority at the Select Committee wished to assign to these Councils:—

“(a) The Council shall have a fund to which shall be credited (1) the income from fees, endowments and grants if any, (2) contributions from the Local Government under the provisions of section 44 of the Bill in respect of institutions transferred to the Council, (3) Contributions from the Local Government for instituting professorships, readerships, lectureships and any other teaching posts and generally for the promotion of higher research and advancement and dissemination of knowledge in particular branches of learning.

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“(b) The Local Government shall also contribute annually to the fund a sum to meet the recurring expenditure of office establishments maintained by the Council and the travelling charges of the members of the Council.”

There were two other resolutions which the minority failed to pass through the Select Committee, viz. :—

“(a) After the commencement of this Act, the Senate shall appoint a commission to inspect the affiliated colleges and report to the Senate which of such colleges should be recognized as maintaining standards in teaching, equipment and general efficiency equal to the constituent colleges in the university and to frame regulations for the recognition from time to time of such colleges as potential university centres.

“(b) Such affiliated colleges as in the opinion of the Senate maintain the standards equal to those of the constituent colleges of the university shall be styled ‘university colleges’ and shall thereafter be entitled to all the privileges of the constituent colleges in the university till they are transferred to other universities.”

Putting all these amendments together, it will, I think, be readily conceded that the minority did not suggest any utopian scheme when they proposed to safeguard mufassal interests and to pave the way for the institution of future local universities by recommending what appears to be the most practical and natural method of maintaining and improving the standard of efficiency of the stronger mufassal colleges and of providing them with the means of developing into independent local universities. Any dislocation or interruption, however temporary, of existing facilities for advanced courses in the mufassal, must inevitably result in the stronger mufassal colleges falling behind, and becoming a drag on, the constituent colleges and the chances becoming more and more remote of the necessary conditions being created for the institution of local universities. The question becomes really one of *Now or Never*.

The proposal of two councils, one for the north and one for the south, is a step in the right direction. The disadvantages referred to in the Select Committee Report are not really so serious as to outweigh two chief advantages claimed for them. The first is the enthusiasm and earnestness which a council working in a linguistic area can bring to bear upon its work, the first hand knowledge and information which it will have of the *modus operandi* of the stronger mufassal colleges within the area, their equipment, staff, scope for development and for providing facilities for post-graduate studies and research work, their needs and requirements and the nature and amount of financial assistance needed for their fulfilling the conditions of constituent colleges of a future university. The second is the

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effectual appeal which it can make to popular sympathy. People living in a linguistic area will respond eagerly to a call made by educationists of their own area for the development of the stronger colleges situated therein, will take a natural pride in financing them, in the well-founded hope that one or two of them at least may develop into local universities providing the higher specialized courses which will suit the cultural demands of the area.

18th December 1922.

S. ARPUDASWAMI UDAYAR.

There are fifty-seven colleges affiliated to the University of Madras of which twelve are in or near the City of Madras and forty-five outside the City of Madras. The establishment of a teaching university with the ten-mile limit provided in the Bill, cannot but affect the position of the mufassal colleges. The modifications made by the Select Committee have not improved the position of the mufassal colleges to any substantial extent. There are no safeguards to ensure that the mufassal colleges would get financial assistance from the Government even to the present extent, though even such assistance would not be sufficient to enable those colleges to make adequate provision for higher teaching and research as contemplated in the Bill. It must be admitted that the mufassal colleges have hitherto received a sort of step-motherly treatment at the hands of the Government in the distribution of grants. In 1920-21 seven first-grade colleges in the mufassal were given a total grant of Rs. 61,718, whereas two colleges alone in the City of Madras received a total grant of Rs. 65,254. The number of pupils in the first-grade colleges is fairly divided, between the Madras City and the mufassal districts. It is true that in the first-grade colleges in the Madras City, the number of pupils from the mufassal districts is much larger than the number of those from the city. But that can't in any way affect the claim of the mufassal colleges to a more just and equitable treatment in the matter of the distribution of the grants. It is quite necessary to incorporate suitable provisions in the Bill to safeguard the interest of the affiliated colleges and to ensure that their needs will be satisfied to a reasonable extent and in a reasonable manner, before increased financial provision is made for the benefit of the constituent colleges.

2. The financial provisions made in clause 43 of the Bill are utterly inadequate to cope with the demands of the new teaching university. The success of the measure will depend on the grants placed at the disposal of the university for carrying out reforms in the present system of the university education. It is necessary

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to make more liberal provision for that purpose besides making grants for the salaries of the Vice-Chancellor, special university teachers and for the development of the laboratory, library, museums and workshops.

3. I do not consider it necessary to provide in the Bill for a paid Vice-Chancellor, due regard being had to the limited funds available for university education. It is provided that the Registrar will act as the Secretary of the Senate, the Syndicate, the Academic Council and the Council of Affiliated Colleges. He is or may be invested with all powers necessary for the administration of the affairs of the university. His position may be recognized in the Act itself and he may be provided with a decent salary. A further provision for the payment of salary to the Vice-Chancellor appears to be more a luxury than a necessity. The Bill as originally introduced provided that the Vice-Chancellor shall be elected by the Senate from among the persons recommended by the Syndicate, subject to the confirmation of the Chancellor. It was felt that there was no justification for restricting the choice of the Senate to the persons recommended by the Syndicate. The alteration effected by the Select Committee in the provision made for the appointment of the Vice-Chancellor has made the position worse than before. It deprives the Senate of the right to elect the Vice-Chancellor and confers the powers on the Chancellor, with the limitation that he shall appoint from among five persons recommended by the Senate. This is a serious curtailment of the power of the Senate in the matter of the appointment of its chief executive officer, the Vice-Chancellor.

4. One of the chief complaints against the present Madras University is that it has grown very unwieldy and that it cannot satisfactorily control university education, over the whole presidency covering such a very wide area. The first reform to be effected in the present system of university education is to reduce the size of the Madras University and to establish universities in other centres. The present Bill is not calculated to achieve that object, notwithstanding the alterations made by the Select Committee. The question of the establishment of the Andhra University has reached a stage, when any delay in the progress of the scheme cannot but produce serious dissatisfaction in the minds of the people of the Andhra districts. The Senate recommended the establishment of the Andhra University in the first instance. The Government accepted the principle and appointed a committee to investigate that question. The committee submitted its report and it is still under the consideration of the Government. A conference of some representatives of the Telugu-speaking districts was held last month

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and the type of the university was agreed upon. The location of the university would also have been agreed upon at that conference, but for the absence of representatives from the Chittoor and Ceded districts and it is sure to be settled at the next sitting of the conference. The provision contained in clause 51 of the Bill making it obligatory on the Senate to report at the end of five years on the desirability of establishing other universities cannot apply to schemes in an advanced stage of progress, like that relating to the Andhra University.

5. The Bill does not provide for an adequate representation of the registered graduates of the university who must form the main electorate in any scheme of University Reform. In the original Bill, provision was made for the election of 25 members by the registered graduates out of a total of about 120 members. In the Bill as revised by the Select Committee, provision is made for the election of only 30 members by the registered graduates, out of a total of about 220 members. It is necessary to increase the number of members to be elected by the registered graduates to at least 40. It is necessary that the university should be in close touch with the student population, so as to be able to make adequate provision for their requirements. All registered graduates of five years' standing must have the privilege of electing members to this university. There is no justification for providing that in the case of registered graduates, the election shall be according to the principle of proportionate representation by means of the single transferable vote, when no such provision has been made in the case of other elections.

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A. S. KRISHNA RAO.

Could I have helped it, I should have avoided a minute of dissent. But the conditions under which a good portion of the work of the Select Committee had to be done makes a minute inevitable and obligatory. Almost at the very commencement it was declared by the hon. the Chairman and several other hon. Members that the hon. Council had accepted the principle of the Bill as regards the 'limit', and the Committee could not go back on it. Apart from this assumption, which some Members would not accept, the proceedings had not progressed far before it became plain that the Select Committee was, on one important matter, clearly divided into two sections (of course, unequal sections)—one comprising those who felt, and the other those who did not feel, grave apprehensions about the future of the mufassal colleges. Hence, most of the suggestions relating to those institutions had to run the gauntlet of the majority ;

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and in more instances than one, the chairman's casting vote (very naturally given in favour of the original proposals of the Bill) decided the issue. How pronounced this difference was, might be surmised from the fact that more (a good deal more) than one half of the main text of the Select Committee's report relates to matters affecting the mufassal colleges. Accordingly, it is to those matters, as set out in paragraphs 5 and 13 of the Select Committee's report, that this note will mainly restrict itself. Here I may state that I am in general agreement with the substance of sections 1, 2, 3 and 5 of the minute of dissent recorded by my hon. colleagues, Diwan Bahadur M. Ramachandra Rao Pantulu Garu and Rao Bahadur C. V. S. Narasimha Raju Garu.

2. Section 5 of the Select Committee's report states that two suggestions were made—one for the removal of the 'Limit of the University' and the other for the recognition of certain mufassal colleges as nuclei of future universities; and the report records that both the suggestions were rejected—the first for its violation of a fundamental principle of the Bill and the second for its invidious consequences. It is, however, submitted that the first suggestion did not propose the elimination of any 'limit' whatsoever. It desired that a really reasonable 'limit' based on, or assorted to, the other vital marks of distinction between a so-called 'Affiliated' and a so-called 'Constituent' college should be prescribed. A reference to definitions (a) and (b) under section 2 will show how all the authoritative stress of the legislature is laid on the accident of the geographical position of a college according as it is situated, either within or without a certain limit, quite irrespective of the essential distinctions regarding the methods adopted, the standards maintained and the objects pursued; these altogether vital matters being left to be 'prescribed' later on by the authorities of the university. To be sure, this method is altogether arbitrary; and if any thing merits to be styled invidious, it is this method of determining a matter of great moment. The suggestion of the minority was that the distinction between a 'constituent' and an 'affiliated' college should primarily be based upon the capacity and the preparedness (or otherwise) of an institution to participate in the 'higher teaching' and 'research' work which the Bill proposes to develop and to respond to the endeavours after that 'academic life' and that 'corporate unity' which the Bill desires to foster. The so-called 'limit' should be determined as a concomitant to those substantial points of distinction; whereas the Bill starts by making an arbitrarily-fixed geographical limit, the initial and basal criterion of the classification; and this means that institutions are sorted according to the good luck which places one college within that 'limit' or

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the hard fate which places another college outside that 'limit' ! Correct information and open mind being postulated, who can gainsay that there are some individual mufassal colleges and at least two mufassal centres which can satisfy the demands and shoulder the responsibilities of 'teaching' and of 'residence' for university purposes as effectively as most of the Madras Colleges ? And yet they must be passed over, because they have the misfortune to be located outside the privileged pale ! What principle is involved in this method, it is hard, indeed, to discover, unless pure convention or sheer convenience be styled a principle. The second suggestion referred to in the same section (section 5) of the Select Committee's report, aimed at harmonising the preamble with the contents of the Bill through a distinct provision being embodied in the Bill itself for the establishment of an agency whose purpose, from the very outset, would be to lead towards the realization of the second avowed object of the Bill, viz., to prepare for the institution of new universities. Nothing was more remote from the intention of this suggestion than to propose an off-hand enumeration of colleges to be recognized as nuclei of new universities : that were invidiousness itself. What was actually and expressly suggested was that a careful inspection, by a properly constituted body, should first be made of the mufassal first-grade colleges with reference to their present condition and future possibilities ; and as a result of that inspection there should be drawn up a list, necessarily tentative, of institutions that could be aided, by both funds and guidance, to develop high academic standards and healthy corporate life and could thus become university centres. How else the avowed object of preparing for the institution of new universities could be steadily furthered, it is again difficult to see. All the same, the two proposals were rejected, as several others were, without much ado.

3. Some of the other proposals similarly disposed of are mentioned in paragraph 13 of the Select Committee's report. One of them was the proposal that the composition of the Council of Affiliated Colleges should be determined, even as its powers were defined, by the Act itself. If two virtually autonomous bodies like the Legislature and the Senate are to function, one for defining the powers and the second for determining the composition of one and the same body, obviously there is bound to be, with the duplication of the agencies, a complication and even an inarticulation of the details. The council in question, even with the stinted powers vouchsafed to it, will have very responsible duties to discharge towards mufassal colleges. The authority to define its powers rightly vests in the legislature ; and for that very reason the legislature alone can judge correctly what the proper composition of that body should be. It may, by the way, be pointed out that the Council of Affiliated

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Colleges is the only 'authority' of the university which is thus bifurcated between two organs of legislation ; every other 'authority' being placed, as to both its powers and its composition, wholly either under the Act or under the Statutes. Next, two other suggestions relating to the Council of Affiliated Colleges are mentioned in this paragraph (No. 13) of the Select Committee's report, namely, the setting up of an executive committee of that council and the creating of a separate fund for the mufassal colleges. The Select Committee's report states at some length the reasons which weighed with the majority for negating the proposal regarding an executive committee ; while all that the report has to say about the other proposal regarding a separate fund is that it was urged by some members, but that the committee did not accept it. Probably the report regards them, and presumably the majority of the Select Committee also viewed them, as so interlinked that they should rise or sink together. But really they are two distinct proposals, one concerned with the mode and the other with the means of operation. Anyhow, at no stage of the proceedings of the Select Committee did the difference in aim and, therefore, in opinion between the two sections of the committee evince itself as being utterly irreconcilable as it did in connexion with the consideration of these two suggestions. A set of proposals, generally agreed to by at least four, if not by five and even six, members of the committee and enumerating a series of suggestions bearing upon the powers, functions, funds, composition, committees and other details appertaining to the Council of Affiliated Colleges, had been prepared and was presented to the committee. But the majority decided that the two questions, whether the council should be given an executive committee and whether the mufassal colleges should be granted a separate fund, must be voted on and settled before the other proposals regarding powers, function, etc., were gone into. Then it did not take the committee much time and deliberation to negative the two proposals. They were practically forejudged ; and after that one need hardly describe the mutual understanding on which the rest of the discussion followed. However, it is submitted that the method adopted was far from the logical or natural. The need for an executive committee will depend obviously on the strength or composition of the general body and on the extent and variety of its powers and functions. By the Bill as revised by the Select Committee, the Council of Affiliated Colleges will consist of about eighty members, spread over the whole Presidency ; and its functions and powers, however limited and subordinate, will be such as to require it to be in constant touch on the one hand with the mufassal colleges and on the other with the Syndicate and the Academic Council. Its functions are, to a considerable extent, akin, so far as mufassal

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colleges are concerned, to the functions of the two last-named 'authorities'. In view, therefore, of these two considerations, namely, of its composition and of its functions, it is submitted that, for prompt and efficient work, an executive committee is highly desirable, in fact indispensable. As regards a separate fund, its imperative necessity is emphatically urged by past experience. It is no exaggeration, I believe, to say that, for a long while during the years gone by, the Metropolitan and the mufassal colleges have been as the Biblical lean kine and fat kine. Consequently, wide-spread and intense is the fear that in the years to come, with the alluring charms of a so-called residential university, the Madras colleges will claim, and will be conceded, more than the proverbial lion's share of the funds, either for themselves or for that university of which they are the heir by primogeniture. Hence, a distinct provision ensuring to the mufassal colleges a just and adequate share in the university funds from all sources is due as a matter of equity and fair dealing. It will never do to treat the mufassal colleges as integral for financial purposes but excrescent for academic ends. The minority suggested that those colleges should receive, and have utilized for their benefit, a part (in proportion to the original contribution by their candidates) of the savings from the fee income, and that the apportionment of the other funds, as voted by the Legislative Council in the annual budget, should be made on the basis of the suggestions or recommendations of a committee, representative of the Syndicate, the Academic Council, the Council of Affiliated Colleges and the Local Government. Next, a word or two might be given to the suggestion proposing merely permissive or enabling powers regarding courses and examinations for mufassal colleges. It is submitted that the suggestion made was not altogether unlike the power given to the Academic Council by section 24 (j). The Select Committee's report refers to certain mufassal educationists consulted on the subject having been entirely opposed to the proposal. As I am not in possession of detailed information on this consultation, I shall not deny the statement. However, I shall submit that the statement admits of considerable modification. Our hon. colleague, Rao Bahadur C. V. S. Narasimha Raju Garu, presented a copy of the proceedings of a special meeting of the College Council of one of the leading colleges in the north, which included a resolution asking for mufassal colleges the power to hold their examinations. Further, the members who submitted the set of proposals above referred to mentioned that the Principal of a leading college in the south wanted such enabling or permissive powers to be given to the Council of Affiliated Colleges. As for the plea that an emphatic declaration was made in the Legislative Council about there being no separate courses and no separate examinations, it may be observed

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that herein lies the self-contradiction of the Bill, in that it treats the Madras and mufassal colleges as distinctly different classes in the matter of facilities, opportunities, methods and appliances, but, none the less, wrings them into an identical position as regards the courses prescribed and the examinations demanded. It is exactly here that the Bill deflects from the carefully considered line of action prescribed by the Calcutta University Commission's report, which expressly declares that mufassal colleges cannot 'keep step' with Calcutta colleges and that uniform curricula and examinations 'would be unfair to both sides'. Should it be urged, as it might justly be urged, that unlike the mufassal colleges of Bengal the mufassal colleges of this Presidency could cope with Madras colleges on equal terms as regards curricula and examinations, does not that admission discredit the division of Madras and mufassal colleges into two distinct classes—constituent and affiliated—on a purely geographical basis?

4. The other points on which I have to dissent may be barely enumerated thus:—

(i) I doubt whether there is real analogy on this point between the Madras University and those modern universities which are said to have a Pro-Chancellor. Is the Governor of a Province or a Presidency the *ex officio* Chancellor there? The acceptance of the Minister for Education as the *ex officio* Pro-Chancellor further complicates the matter. Is the hon. Minister to be the common Pro-Chancellor for the several universities which it is the hope or the ambition to establish in this Presidency?

(ii) To my mind it is more than a doubt whether it is natural or business like that the 'local bodies' should have so many as fifty-two representatives in the Senate.

(iii) It is clear to my mind that the assent of the Chancellor to the Statutes (only to the Statutes) is highly desirable. The Chancellor is an integral and important factor of the Senate, as he is also the head of the Government which has to co-operate with, and to finance, the activities of the Senate. His assent to the general principles and the main methods of the policy to be pursued enters into the transaction almost as a matter of right. I fear it will be too sweeping a swing of the pendulum from the pre-requisite of his assent even to petty details and passing exigencies at the one end to the deletion of that assent even from statutes defining the general policy at the other.

20th December 1922.

R. VENKATARATNAM.

[22nd December 1922]

[Note.—The alterations made by the Select Committee are printed in clarendon type.]

BILL No. 10 OF 1922.

A Bill to provide for the reorganization of the Madras University.

(As amended by the Select Committee.)

Preamble.

WHEREAS it is expedient to reorganize the University of Madras with a view to establishing a teaching and residential University at Madras while enabling the University to continue to exercise due control over the quality of the teaching given by colleges which are to constitute the University of Madras or are affiliated to it;

AND WHEREAS it is desirable to foster the development of academic life and corporate unity as well in the colleges as in the University by so promoting co-operation among the colleges and between the University and the colleges as to utilize to the full the teaching resources available within the limits of the University;

AND WHEREAS it is desirable by the concentration and co-ordination of resources for higher teaching and research at suitable centres outside the limits of the University to prepare for the institution of new Universities;

AND WHEREAS the previous sanction of the Governor-General has been obtained for the passing of this Act; it is hereby enacted as follows:—

CHAPTER I.—PRELIMINARY.

Short title
and com-
mencement.

1. (1) This Act may be called the Madras University Act, 1923.

(2) This section shall come into force at once. The rest of this Act shall come into force on such date or dates as the Local Government may, by notification, appoint and different dates may be appointed for different provisions of this Act.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(a) 'Affiliated College' means a college situated outside the limits of the University and affiliated to the University of Madras as constituted prior to the commencement of this Act or admitted to the privileges of affiliation with the University under conditions prescribed in this behalf.

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(b) '*Constituent College*' means a college maintained or recognized by the University in accordance with the provisions of this Act in which instruction is provided under prescribed conditions and which is situated within the limits of the University.

(c) '*First-grade College*' means a college which submits its students to examinations qualifying for degrees other than professional degrees.

(d) '*Hostel*' means a unit of residence for students of the University maintained or recognized by the University in accordance with the provisions of this Act.

(e) '*Limits of the University*' means the territory within a radius of ten miles from Fort St. George.

(f) '*Prescribed*' means prescribed by the Statutes, Ordinances or Regulations.

(g) '*Principal*' means the head of a constituent college or of an affiliated college.

(h) '*Registered graduates*' means graduates registered under the provisions of this Act or of the Indian Universities Act, 1904.

(i) '*Second-grade college*' means a college which prepares its students for the Intermediate Examination in Arts and Science and does not submit its students to the Degree Examinations.

(j) '*Teachers*' includes professors, readers and lecturers and such other persons giving instruction in constituent or affiliated colleges or hostels as may be recognized by the University to be teachers.

(k) '*Teachers of the University*' means persons appointed by the University to give instruction on its behalf.

(l) '*University*' means the University of Madras as reconstituted under this Act.

(m) '*University Professor*' means a Professor appointed to deliver lectures, to conduct classes, to engage in or direct and supervise research, or to do any other academical work that may be entrusted to him under the provisions of this Act.

CHAPTER II.—THE UNIVERSITY.

3. (1) The first Chancellor, Pro-Chancellor and Vice-Chancellor of the University and the first members of the Senate, the Syndicate, the Academic Council, and the Council of Affiliated Colleges and all persons who may hereafter become such officers or members so long as they

The
University.

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continue to hold such office or membership are hereby constituted a body corporate by the name of the University of Madras.

(2) The University shall have perpetual succession and a common seal and shall sue and be sued by the name of the University of Madras.

4. As from the date on which section 3 and this section are brought into operation the Chancellor shall cease to exercise his functions under any Act or Acts heretofore in force and the Vice-Chancellor and all Fellows and Honorary Fellows of the University of Madras as constituted and incorporated by any Act or Acts heretofore in force shall cease to be the Vice-Chancellor, Fellows and Honorary Fellows of the University, respectively.

5. (1) No person shall be excluded from membership of any of the authorities of the University or from admission to any degree or course of study on the sole ground of sex, race, creed, or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever relating to religious belief or profession in order to entitle him to be admitted thereto as a teacher or student or to hold any office therein or to graduate thereat or to enjoy or exercise any privileges thereof except where in respect of any particular benefaction accepted by the University such test is made a condition thereof.

(2) No person shall be qualified for election or nomination as a member of any of the authorities of the University if he

(a) is at the date of election or nomination of unsound mind, deaf-mute or suffers from contagious leprosy, or

(b) is an uncertificated bankrupt or undischarged insolvent, or

(c) has been convicted by a court of law of an offence which involves moral delinquency.

In case of dispute or doubt, the Syndicate shall determine whether a person is disqualified under this sub-section and its decision shall be final.

6. (1) No attendance at any instruction other than that conducted or recognized by the University shall qualify for admission to an examination of the University.

(2) The authorities responsible for organizing such instruction shall be those prescribed therefor.

(3) The courses of study and curricula shall be those prescribed.

Vacation of
Fellowships.

University
open to all
classes and
creeds.

Disqualifi-
cation for
member-
ship.

Teaching of
the Univer-
sity.

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7. (1) The Governor-General shall be the Visitor of The Visitor. the University.

(2) The Visitor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipment and of any institutions associated with the University and also of the teaching and other work conducted or done by the University and to cause an inquiry to be made in respect of any matter connected with the University. The Visitor shall in every case give notice to the University of his intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(3) The Visitor may address the Chancellor with reference to the results of such inspection or inquiry and the Chancellor shall communicate to the Senate and to the Syndicate the views of the Visitor and may, after ascertaining the opinion of the Senate and the Syndicate thereon, advise the University upon the action to be taken.

(4) The Syndicate shall report to the Chancellor for communication to the Visitor such action, if any, as it is proposed to take or has been taken upon the results of such inspection or inquiry. Such report shall be submitted with the opinion of the Senate thereon and within such time as the Chancellor may direct.

(5) Where the Senate or the Syndicate does not within a reasonable time take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Senate or the Syndicate, issue such directions as he may think fit and the Senate and the Syndicate shall comply with such directions.

8. There shall be a Chancellor, a Pro-Chancellor and a Vice-Chancellor of the University.

The Chancellor, Pro-Chancellor and Vice-Chancellor.

9. (1) The Chancellor of the University shall be the Governor of Madras. He shall by virtue of his office be the head of the University and the President of the Senate and shall, when present, preside at meetings of the Senate and at any convocation of the University.

The Chancellor.

(2) The Chancellor shall exercise such powers as may be conferred on him under the provisions of this Act.

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(3) Where power is conferred upon the Chancellor to nominate persons to authorities, the Chancellor shall, to the extent necessary, nominate persons to represent communities or interests not otherwise adequately represented.

The Pro-Chancellor.

10. (1) The Pro-Chancellor of the University shall be the Minister administering the subject of education for the time being.

(2) In the absence of the Chancellor, or during the Chancellor's inability to act, the Pro-Chancellor shall exercise all the functions of the Chancellor.

The Vice-Chancellor.

11. (1) The Vice-Chancellor shall be a whole-time officer of the University and shall be appointed by the Chancellor from among five persons recommended by the Senate. He shall hold office for a term of three years and may be paid such salary as shall be prescribed.

(2) Where any temporary vacancy occurs in the office of Vice-Chancellor the Syndicate shall, as soon as possible, subject to the approval of the Chancellor, make the requisite arrangements for carrying on the duties of the Vice-Chancellor.

Powers and duties of the Vice-Chancellor.

12. (1) The Vice-Chancellor shall be the principal executive officer of the University and shall, in the absence of the Chancellor and Pro-Chancellor, preside at meetings of the Senate and at any convocation of the University. He shall be a member ex officio and Chairman of the Syndicate, of the Academic Council and of the Council of Affiliated Colleges and shall be entitled to be present at and to address at any meeting of any authority of the University but shall not be entitled to vote thereat unless he is a member of the authority concerned.

(2) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, the Statutes, Ordinances and Regulations are faithfully observed and carried out and he may exercise all powers necessary for this purpose.

(3) The Vice-Chancellor shall have power to convene meetings of the Senate, the Syndicate, the Academic Council and the Council of Affiliated Colleges.

(4) (a) In any emergency which in the opinion of the Vice-Chancellor requires that immediate action should be taken, he may take such action and shall as soon as may be thereafter report his action to the officer or authority who or which would have ordinarily dealt with the matter.

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(b) When action taken by the Vice-Chancellor under this sub-section affects any person in the service of the University, such person shall be entitled to prefer an appeal to the Syndicate within **thirty** days from the date on which **he has notice** of such action.

(5) The Vice-Chancellor shall give effect to the orders of the Syndicate regarding the appointment, dismissal and suspension of the teachers of the University **and its servants** and shall exercise general control over the affairs of the University.

(6) The Vice-Chancellor shall exercise such other powers as may be prescribed.

13. The following shall be the authorities of the University :— Authorities
of the
University.

- (1) The Senate,
- (2) the Syndicate,
- (3) the Academic Council,
- (4) the Faculties,
- (5) **the Boards of Studies,**
- (6) the Council of Affiliated Colleges, and
- (7) such other authorities as may be declared by the Statutes to be authorities of the University.

CHAPTER III.—THE SENATE—POWERS AND DUTIES.

14. The Senate shall consist of the following persons, The Senate.
namely—

Class I.—Ex officio Members.

- (1) The Chancellor,
- (2) **the Pro-Chancellor,**
- (3) the Vice-Chancellor,
- (4) the Director of Public Instruction, Madras,
- (5) the Surgeon-General with the Government of Madras,
- (6) the Chief Engineer, Public Works Department,
- (7) **the Advocate-General,**
- (8) the Director of Industries,
- (9) the Director of Agriculture,
- (10) the principals of first-grade colleges,
- (11) the principals of constituent colleges other than Arts colleges,
- (12) **the whole-time University Professors paid from University funds, and**
- (13) members of the Syndicate who are **not otherwise members** of the Senate.

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Class II.—Life Members.

Such persons **not exceeding five** as may be appointed by the Chancellor to be life members on the ground that they have rendered eminent services to education.

All persons who **make a donation** of not less than Rs. 25,000 to or for the purposes of the University.

Class III.—Other Members.

(1) **Thirty** members elected by registered graduates from among themselves according to the principle of proportionate representation by means of the single transferable vote;

(2) **ten** members elected by the Academic Council and **ten** members elected by the Council of Affiliated Colleges;

(3) **twelve** members elected by the non-official members of the Legislative Council of Madras from among their own body;

(4) **five** persons elected by the principals of second-grade colleges and **three** persons elected by headmasters of secondary schools recognized by the Local Government;

(5) **three** members elected by the Corporation of Madras from among their own body;

(6) **two** members for each district, one elected by the members of the district board from among themselves, and the other by the municipal councillors of the municipalities in the district from among themselves;

(7) **two** members elected by the Madras Chamber of Commerce and **two** by the Southern India Chamber of Commerce;

(8) **two** members elected by the Madras Land holders' Association;

(9) every association **making a donation** of not less than Rs. 25,000 and every **person making a donation** of not less than Rs. 10,000 and every association or **person making an annual contribution** of not less than Rs. 5,000 to or for the purposes of the University shall be entitled to nominate one member to the Senate who shall be a member for five years or as long as the annual contribution continues, as the case may be;

(10) **associations or persons being donors** of sums of not less than Rs. 500 to or for the purposes of the University shall elect such number of **members** not exceeding ten as the Chancellor may fix;

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(11) **thirty** members nominated by the Chancellor of whom not less than **twenty** shall be **nominated** to secure the representation of communities not otherwise adequately represented.

Save as otherwise provided, members of the Senate other than ex officio members shall hold office for a period of three years; provided however that a member **nominated** or elected in **his capacity** as a member of a particular body or as the holder of a particular **appointment** shall hold office so long only within that period as he continues to be a member of that body or the holder of that **appointment** as the case may be.

15. The Senate shall be the supreme governing body of the University and shall have the power to review the **action** of the Syndicate, the Academic Council and the **Council of Affiliated Colleges** and shall exercise all the powers of the University not otherwise provided for **and all powers requisite to give effect to the provisions of this Act.** Powers and duties of the Senate.

16. The Senate shall have the following powers, Powers of the Senate.
namely—

(1) to provide for instruction in such branches of learning as it may think fit and to make provision for research and for the advancement and dissemination of knowledge;

(2) to encourage co-operation and reciprocity among constituent colleges with a view to promoting academic life;

(3) to make such provision as will enable constituent colleges to undertake specialization of studies and to organize common laboratories, libraries and other equipment for research work;

(4) to institute professorships, readerships, lecturer-ships and any other teaching posts required by the University and to appoint persons to such professorships, readerships, lecturer-ships and posts;

(5) to institute and award fellowships, **travelling fellowships**, scholarships, **endowments**, exhibitions, bursaries, **medals** and prizes;

(6) to grant to, and confer degrees and other academic distinctions on, persons who—

(a) shall have pursued an approved course of study in a constituent or an affiliated college and shall have passed the prescribed examinations of the University, or

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(b) shall have carried on research under conditions prescribed ;

(7) to confer honorary degrees or other distinctions on approved persons in the manner **prescribed**.

(8) to provide such lectures and instruction for students of affiliated colleges of the University as the University may determine and also to provide for lectures and instruction to **persons** not being students of the University and to **grant** diplomas to them ;

(9) to affiliate to itself colleges outside the limits of the University and to allow Colleges affiliated to the University before the passing of this Act to continue to exercise the rights and privileges conferred on **them** by the affiliation and **any further rights to be conferred by this Act** until such time as they may be transferred to other Universities ;

(10) to provide for the inspection of all colleges and hostels ;

(11) to institute, maintain and manage constituent colleges, to recognize colleges not maintained by the University as **constituent colleges** and to withdraw recognition therefrom ;

(12) to institute, maintain and manage hostels, to recognize hostels not maintained by the University and to withdraw recognition therefrom ;

(13) to supervise and control the residence and discipline of the students of the University and to make arrangements for promoting their health and general welfare ;

(14) to **fix**, demand and receive such fees as may be prescribed ;

(15) to enter into any agreement with the Government or with a private management for assuming the management of any institution under it and for taking over its properties and liabilities and for any other purpose not repugnant to the provisions of this Act ;

(16) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine ;

(17) to make Statutes and amend or repeal the same ;

(18) to consider, **modify or cancel Ordinances and Regulations** ;

(19) to consider and pass resolutions on the annual report, the annual accounts and the financial estimates ;

(20) to delegate any of its powers to such authority or authorities as it may deem fit ; and

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(21) generally to do all such other acts and things as may be necessary or desirable to further the objects of the University.

Nothing in this Act contained shall entitle the Senate to affiliate to the University any college situate within the limits of the University.

17. (1) The Senate shall meet once a year at a meeting to be called the annual meeting of the Senate on a date to be fixed by the Vice-Chancellor. The Senate may also meet at such other times as it may from time to time determine. Meetings of the Senate.

(2) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than 35 members of the Senate, convene a special meeting of the Senate.

CHAPTER IV.—THE SYNDICATE.

18. The Syndicate shall, in addition to the Vice-Chancellor, consist of the following persons, namely— The Syndicate.

Class I.—Ex officio Member.

The Director of Public Instruction, Madras.

Class II.—Other Members.

(1) Eight members elected by the Senate from among its members.

(2) Three members elected by the Academic Council from among its members.

(3) Three members elected by the Council of Affiliated Colleges from among its members.

(4) Three members nominated by the Chancellor.

Members other than ex officio members shall hold office for a period of three years, provided that a member nominated or elected in his capacity as a member of a particular body shall hold office so long only within that period, as he continues to be a member of that body.

19. The Syndicate—

(a) shall hold, control and administer the property and funds of the University; Powers and duties of the Syndicate.

(b) shall direct the form, custody and use of the common seal of the University;

(c) shall regulate and determine all matters concerning the University in accordance with this Act, the Statutes and the Ordinances, provided that no action

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shall be taken by the Syndicate in respect of fees payable to examiners and the number, qualifications and the emoluments of teachers of the University, otherwise than after consideration of the recommendations of the Academic Council;

(d) shall frame the financial estimates of the University and submit the same to the Senate;

(e) shall administer all funds placed at the disposal of the University for specific purposes;

(f) shall, save as otherwise provided by this Act or the Statutes, appoint the teachers of the University and servants, shall fix their emoluments and may define their duties and the conditions of their service and may provide for the filling of temporary vacancies;

(g) shall have power to accept bequests, donations and transfers of any movable or immovable properties to the University on its behalf, provided that all such bequests, donations and transfers shall be reported to the Senate at its next meeting;

(h) shall arrange for and direct the inspection of all constituent colleges, hostels and affiliated colleges;

(i) shall appoint examiners after consideration of the recommendations of the Academic Council and the Council of affiliated colleges;

(j) shall publish the results of the University examinations; and

(k) shall exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act, the Statutes or the Ordinances.

Annual
report.

20. The annual report of the University shall be prepared by the Syndicate and shall be submitted to the Senate on or before such date as may be prescribed by the Statutes and shall be considered by the Senate at its next annual meeting. The Senate may pass resolutions thereon and communicate the same to the Syndicate which shall take action in accordance therewith. The Syndicate shall inform the Senate of the action taken by it. A copy of the report with a copy of the resolutions thereon, if any, of the Senate shall be submitted to the Local Government for information.

Annual
Accounts.

21. (1) The annual accounts of the University shall be prepared by the Syndicate and shall be submitted to such examination and audit as the Local Government may direct.

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(2) The accounts when audited shall be published by the Syndicate in the *Fort St. George Gazette* and copies thereof shall together with copies of the audit report be submitted to the Senate and the Local Government.

(3) The Syndicate shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.

(4) The annual accounts and the financial estimates shall be considered by the Senate at its annual meeting and the Senate may pass resolutions with reference thereto and communicate the same to the Syndicate which shall take action in accordance therewith.

CHAPTER V.—THE ACADEMIC COUNCIL, THE FACULTIES
AND THE COUNCIL OF AFFILIATED COLLEGES.

22. The Academic Council shall be the academic authority of the University and shall, subject to the provisions of this Act and the Statutes, have the control and general regulation of teaching and examination within the University and be responsible for the maintenance of the standards thereof and shall exercise such other powers and perform such other duties as may be prescribed.

The
Academic
Council.

23. (i) The members of the Academic Council in addition to the Vice-Chancellor shall be—

The
Academic
Council.

Class I.—Ex officio Members.

- (1) The Director of Public Instruction, Madras;
- (2) the University Professors,
- (3) the Principals of first-grade colleges;
- (4) the Principals of professional colleges;
- (5) any member of the teaching staff of any college who may be appointed or recognized as a University Reader during his tenure of such office.

Class II.—Other Members.

(1) Five Principals of second-grade colleges elected by the Principals of second-grade colleges.

(2) Three members of the teaching staff of each of the constituent colleges to be elected by the members of the staff of the respective colleges.

(3) Five members elected by the Senate from its own body who are not engaged in teaching or members of the Syndicate.

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(4) **Ten members of the Council of Affiliated Colleges elected by the said Council from among teachers in affiliated colleges.**

(ii) The Academic Council as constituted under sub-clause (i) may co-opt **as members teachers of the University not exceeding six.**

(iii) Members other than ex officio members shall hold office for a period of three years provided that persons appointed or elected as representatives of any particular body shall hold office so long only within the said period as they continue to be members of that body.

Powers of the
Academic
Council.

24. Subject to the provisions of this Act the Academic Council shall have the following powers, namely,—

(a) to advise the Syndicate on all academic matters ;

(b) to make proposals to the Syndicate for the institution of professorships, readerships, lecturerships, or other teaching posts and in regard to the duties and emoluments thereof ;

(c) to make proposals for regulating the special courses of study or division of subjects in constituent **and affiliated colleges ;**

(d) to make **Regulations** for and to award in accordance with such regulations medals and other rewards ;

(e) to make **Regulations** for the encouragement of co-operation and reciprocity among constituent **and affiliated colleges with a view to promoting academic life ;**

(f) to make **Regulations regarding** the admission of students to the **University** or prescribing examinations to be recognized as equivalent to the University examinations or the further qualifications mentioned in sub-section (i) of section 35 for admission to the degree courses of the **University ;**

(g) to make **Regulations** relating to courses, examinations and the conditions on which students of affiliated colleges shall be admitted to examinations for the degrees of the **University ;**

(h) to constitute **from among its own members** Faculties in Arts, Science, Law, Medicine, Engineering, Teaching, Commerce and Agriculture and such other subjects as may be prescribed ;

(i) to recommend to the Syndicate the names of persons suitable for appointment as Examiners and Assistant Examiners ;

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(j) to make recommendations to the Syndicate for the recognition of teachers qualified to give instruction in constituent and affiliated colleges and hostels;

(k) to control and manage the University library or libraries, to frame rules regarding its or their use and to appoint a library committee under the general control of the Academic Council to manage the affairs of the library;

(l) to formulate, modify or revise, subject to the control of the Senate, schemes for the constitution or reconstitution of departments of studies;

(m) to assign teachers to departments of studies;

(n) to promote research within the University and to call for reports on such research from the persons engaged thereon and to make recommendations to the Syndicate thereon; and

(o) to forward to the Syndicate or refer back the draft of any Regulation prepared by the Council of Affiliated Colleges relating to courses, examinations and the conditions on which students of such colleges may be admitted to examinations for the degrees of the University.

Provided that the Council of Affiliated Colleges shall be consulted in respect of matters referred to in clauses (c), (e), (g) and (j).

25. The University shall include Faculties of Arts, Science, Law, Medicine, Engineering, Teaching, Commerce and Agriculture and such other Faculties as may be prescribed. Each Faculty shall comprise such departments of teaching as may be prescribed by the Ordinances. The constitution and functions of the Faculties shall be prescribed by the Statutes. There shall be Boards of Studies attached to each department of teaching, the constitution and powers of which shall be prescribed by the Statutes.

26. The constitution of the Council of Affiliated Colleges and of such other authorities as may be declared by the Statutes to be authorities of the University shall be provided for in the manner prescribed.

27. (1) The Council of Affiliated Colleges shall have the following powers:—

(a) to make proposals to the Syndicate or the Academic Council as the case may be to supplement the teaching provided by the affiliated colleges;

(b) to appoint such special or standing committees as it may consider desirable;

Council of
Affiliated
Colleges.

Powers of the
Council of
Affiliated
Colleges.

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(c) to advise the Syndicate and the Academic Council on any matter affecting affiliated colleges ;

(d) to submit draft **Regulations and Ordinances** to the Academic Council or to the Syndicate as the case may be ;

(e) to advise the Syndicate on the affiliation of any institution beyond the limits of the University ;

(f) in consultation with the colleges concerned to prepare and lay before the Syndicate plans for the concentration and co-ordination of resources for higher teaching and research and for the promotion of University life at suitable centres outside the limits of the University so as to prepare for the institution of new Universities ;

(g) to make proposals to the Local Government through the Syndicate as to the financial provision that should be made for the affiliated colleges and to advise it regarding the distribution of grants to such colleges ;

(h) to recommend to the Syndicate the names of persons suitable for appointment as **Examiners and Assistant Examiners** ; and

(i) to advise the Academic Council on all matters referred to in section 24, clauses (c), (e), (g) and (j).

(2) The Council of Affiliated Colleges shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

CHAPTER VI.—STATUTES, ORDINANCES and Regulations.

28. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :—

(a) the constitution, powers and duties of the authorities of the University ;

(b) the conditions of affiliation with the University of affiliated colleges ;

(c) the institution and maintenance of constituent colleges and hostels ;

(d) the **powers, duties and conditions of service** of the Vice-Chancellor ;

(e) the powers and duties of the officers of the University other than the **visitor, Chancellor and Pro-Chancellor** ;

(f) the holding of convocations to confer degrees ;

(g) the conferment of honorary degrees ;

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(h) the institution and award of fellowships, **traveling fellowships**, scholarships, **endowments**, exhibitions, bursaries, medals and prizes;

(i) the classification and the mode of appointment of the teachers of the University;

(j) the institution of pension or provident fund for the benefit of the teachers of the University or its servants;

(k) the maintenance of a register of registered graduates;

(l) the discipline of students; and

(m) all matters which by this Act may be prescribed by the Statutes.

29. (1) The first Statutes shall be those set out in Schedule 1. Statutes
how made.

(2) The Statutes may be amended or repealed or added to by Statutes made by the Senate in the manner hereinafter provided.

(3) The Senate may of its own motion take into consideration the draft of any Statute; provided that in any such case before a Statute is passed affecting the powers or duties of any officer or authority, the opinion of the Syndicate and a report from the person or authority concerned shall have been taken into consideration by the Senate.

(4) The Syndicate may propose to the Senate the draft of any Statute. Such draft may be considered by the Senate at its next succeeding meeting. The Senate may approve such draft and pass the Statute or may reject it or return it to the Syndicate for reconsideration either in whole or in part together with any amendments which the Senate may suggest. After any draft so returned has been further considered by the Syndicate together with any amendments suggested by the Senate, it shall be again presented to the Senate with the report of the Syndicate thereon and the Senate may then deal with the draft in any manner it thinks fit.

(5) Where any Statute has been passed by the Senate or a draft of a Statute has been rejected by the Senate it shall be submitted to the Chancellor who may refer the Statute or draft back to the Senate for further consideration.

(6) The Syndicate shall not propose the draft of any Statute or of any amendment to a Statute—

(a) affecting the status, powers or constitution of any authority of the University until such authority has

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been given an opportunity of expressing an opinion upon the proposal; any opinion so expressed shall be in writing and shall be considered by the Senate and shall be submitted to the Chancellor; or

(b) affecting the conditions of affiliation of affiliated colleges, with the University except after consultation with the Academic Council and the Council of Affiliated Colleges.

Ordinances.

30. Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission of students to the University and the levy of fees in colleges maintained by the University;

(b) the conditions under which students **may** be admitted to the degree or diploma courses and to the examinations of the University and **may** be eligible for degrees and diplomas;

(c) the conditions of residence of the students of the University and the levy of fees for residence in hostels maintained by the University;

(d) the recognition of constituent colleges and hostels not maintained by the University;

(e) the number, qualifications and emoluments of teachers of the University;

(f) the fees to be charged for courses of teaching given by teachers of the University, for tutorial and supplementary instruction given by the University, for admission to the examinations, degrees and diplomas of the University and for the registration of graduates;

(g) the conditions subject to which persons who may hereafter be permanently employed may be recognized as qualified to give instruction in constituent colleges and hostels;

(h) the appointment and duties of examiners;

(i) the conduct of examinations; and

(j) all matters which by this Act or by the Statutes may be provided for by the Ordinances.

Ordinances
how made.

31. (1) Save as otherwise provided in this section, Ordinances shall be made by the Syndicate:

Provided that the Syndicate shall consult the Academic Council in making Ordinances—

(a) affecting the appointment and duties of examiners or the conduct or standard of examinations or any course of study; or

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(b) affecting the conditions of residence of students.

(2) All Ordinances made by the Syndicate shall have effect from such date as it may direct, but every Ordinance so made shall be submitted as soon as may be to the Chancellor and the Senate and shall be considered by the Senate at its next succeeding meeting. The Senate shall have power by a resolution passed by a majority of not less than two-thirds of the members present at such meeting to cancel or modify any such Ordinance.

(3) The Chancellor may direct that the operation of any Ordinance shall be suspended until such time as the Senate has had an opportunity of considering the same.

32. The Academic Council may make Regulations consistent with this Act and the Statutes to carry out the duties assigned to it thereunder. Regulations how made.

All such Regulations shall have effect from such date as the Academic Council may direct; but every Regulation so made shall be submitted as soon as may be to the Senate who shall consider it at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel or modify any such Regulation.

CHAPTER VII—ADMISSION AND RESIDENCE OF STUDENTS.

33. Every student of the University shall reside in a hostel or under such other conditions as may be prescribed Residences and hostels.

34. (1) Colleges and hostels maintained by the University shall be such as may be prescribed. Colleges and hostels.

(2) Colleges and hostels other than those maintained by the University shall be such as may be recognized by the Senate on such general or special conditions as may be prescribed.

(3) The Senate shall have power to suspend or withdraw the recognition of any college or hostel which may not be conducted in accordance with the conditions prescribed. Provided that no such action shall be taken without affording the management of such college or hostel an opportunity of making such representation as it may deem fit.

35. (1) Students shall not be eligible for admission to a course of study for a degree unless they have passed the Intermediate Examination in Arts and Science of Madras Admission to the University courses.

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or an examination recognized by the **Syndicate** as equivalent thereto and possess such further qualifications, if any, as may be prescribed.

(2) Every candidate for a **University examination** shall unless exempted from the provisions of this subsection by a special order of the **Syndicate** made on the recommendation of the **Academic Council** be enrolled as a member of a constituent college or of an affiliated college. Any such exemption may be made subject to such conditions as the **Syndicate** may think fit.

(3) Students exempted from the provisions of subsection (2) and students admitted in accordance with the conditions prescribed to courses of study other than courses of study for a degree shall be non-collegiate students of the **University**.

Control of
entrance
examination
to the
University.

36. Notwithstanding anything contained in section 35, at any time after the passing of this Act if the **Local Government** is satisfied that other adequate arrangements have been made for the supervision and control of institutions preparing candidates for the entrance examination to the **University**, the **Local Government** may by notification direct that the said **University** shall cease to exercise any control over the recognition of such institutions and from the date of such notification the **University** shall cease to exercise such control.

CHAPTER VIII—GENERAL.

Filling of
casual
vacancies.

37. All casual vacancies among the members (other than ex officio members) of any authority or other body of the **University** shall be filled as soon as conveniently may be by the person or body who appointed, elected or co-opted the members whose place has become vacant and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Proceedings
of the
University
and bodies not
invalidated
by vacancies.

38. No act or proceeding of any authority or other body of the **University** shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members or the invalidity of the election of any of the members.

Removal
from
membership
of the
University.

39. The **Senate** may, on the recommendation of not less than two-thirds of the members of the **Syndicate**, remove the name of any person from the register of graduates and remove any person from membership of any authority of

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the University if he has been convicted by a Court of Law of what in the opinion of the Senate is a serious offence involving moral delinquency or if he has been guilty of scandalous conduct and for the same reasons may withdraw any degree or diploma conferred or granted by the University.

The Senate may also remove any person from the membership of any authority of the University if he becomes of unsound mind or deaf mute or suffers from contagious leprosy or has applied to be adjudicated or has been adjudicated a bankrupt or insolvent.

40. If any question arises whether any person has been duly elected or nominated as or is entitled to be a member of any authority of the University, the question shall be referred to the Chancellor whose decision thereon shall be final.

Disputes as to constitution of University authority or bodies.

41. Where any authority of the University is empowered to appoint committees, such committees shall, unless there be some special provision to the contrary, consist of members of the authority concerned and of such other persons, if any, as the authority in each case may think fit.

Consultation of committees.

42. (1) Save as otherwise provided, every salaried officer and teacher of the University shall be appointed under a written contract.

Conditions of service.

The contract shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the officer or teacher concerned.

(2) Any member of the public services in India whom it is proposed to appoint to a post in the University shall, subject to the approval of such appointment by the Government, have the option

(i) of having his services lent to the University for a specific period and remaining liable to recall to Government service at the discretion of the Government at the end of that period, or

(ii) of resigning Government service on entering the service of the University : Provided, however, that nothing in this section shall prohibit the employment of a member of the public services as a part-time servant of the University with the approval of the Government.

CHAPTER IX—UNIVERSITY FUNDS.

43. The University shall have a fund to which shall be credited

Funds of the University.

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(1) its income from fees, endowments and grants, if any; and

(2) any contribution by the Local Government.

The Local Government shall contribute annually towards the said fund

(a) a sum equal to the amount of contribution by the Local Government in the financial year prior to the coming into force of this Act towards the recurring expenditure of the University; and

(b) a sum on such conditions as the Local Government may impose towards the salary, if any, of the Vice-Chancellor, the development of laboratory, library, museums and workshops and the salaries of such teachers of the University as are appointed for higher research and advancement and dissemination of knowledge in particular branches of learning.

Transfer of Government Institutions to the University.

44. The Local Government may at any time after the passing of this Act transfer to the University the control and management of any of its institutions on such terms and conditions as it may deem proper. In the case of such transfer, the Local Government shall make a contribution annually of a sum equivalent to the average annual net expenditure from Provincial Funds on the institution during the three years immediately preceding the year of transfer.

CHAPTER X—TRANSITORY PROVISIONS.

Completion of course for students in colleges affiliated to the Madras University under previous Act.

45. Notwithstanding anything contained in this Act or the Ordinances, any student of a college affiliated to the University of Madras established under Act XXVII of 1857, who was studying for any examination of the said University, shall be permitted to complete his course in preparation therefor and the University shall hold for such students examinations in accordance with the curricula of studies of that University for such period as may be prescribed.

Appointment of First Vice-Chancellor.

46. Notwithstanding anything contained in sub-section (1) of section 11, within three months after the passing of this Act the first Vice-Chancellor shall be appointed by the Chancellor on a salary to be fixed by him for a period not exceeding three years and on such other conditions as he thinks fit.

Transitory powers of the Vice-Chancellor.

47. (1) It shall be the duty of the Vice-Chancellor to make arrangements for constituting the Senate, the Syndicate, the Academic Council and the Council of Affiliated Colleges within six months after the date of

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his appointment or such longer period not exceeding one year as the Local Government may by notification direct.

(2) The Vice-Chancellor shall with the assistance of an advisory committee nominated by the Chancellor draw up any rules that may be necessary for regulating the method of election to those authorities subject to the provisions of the Act and the approval of the Chancellor.

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the Local Government may by notification direct.

(4) The Regulations of the University of Madras in force at the time of the coming into operation of sections 3 and 4 of this Act shall, so far as they may be applicable, continue to be in force until they are replaced by the Statutes, Ordinances and Regulations to be framed under this Act.

(5) It shall be the duty of the Vice-Chancellor to draft such Statutes, Ordinances and Regulations as may be necessary and submit them to the respective authorities competent to deal with them for their disposal. Such Statutes, Ordinances and Regulations when framed shall be published in the Fort St. George Gazette.

48. The Vice-Chancellor shall have power—

(1) to appoint such advisory committees as he may think fit, and

(2) to appoint such clerical and menial staff as may be necessary subject to the sanction of the Chancellor.

First
appoint-
ments of
University
staff.

CHAPTER XI—MISCELLANEOUS.

49. All property, all rights of whatever kind used, enjoyed, or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by, or for, the University of Madras as constituted under the Indian Universities Act, 1904, as well as all liabilities legally subsisting against the said University shall pass to the University as constituted under this Act.

Passing of
property and
rights to the
University as
reconstituted.

50. Where a pension or provident fund has been instituted by the Senate for the benefit of the officers, teachers or servants of the University, the Local Government may declare that the provisions of the Provident Fund Act, 1897, shall apply to such fund as if the University were a local authority and the fund a Government Provident Fund.

Provident
Fund.

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Report on
affiliated
colleges.

51. The Senate shall at the end of five years from the passing of this Act submit a report to the Local Government on the condition of affiliated colleges and on the desirability or otherwise of establishing other Universities outside the limits of the University. The Local Government shall lay the report before the Legislative Council and shall take such action on it as it deems fit.

Repeal of
certain
enactments.

52. As from the date on which sections 3 and 4 are brought into operation the enactments specified in Schedule II shall be repealed to the extent specified in the fourth column thereof.

SCHEDULE I.

The first Statutes of the University.

(See section 29.)

Definitions.

I. In these Statutes unless there is anything repugnant in the subject or context—

(a) The 'Act' means the Madras University Act, 1923, and 'section' means a section of the Act and 'clause' or 'sub-clause' means a clause or sub-clause of this Schedule; and

(b) 'Officers', 'Authorities', 'Professors', 'Readers', 'Lecturers', 'Teachers', 'Servants', and 'Registered Graduates' mean respectively, Officers, Authorities, Professors, Readers, Lecturers, Teachers, Servants and Registered Graduates of the University.

Powers of the
Syndicate.

II. Subject to the provisions of the Act, the Syndicate shall have the following powers, namely,—

(a) to institute at its discretion such professorships, readerships, lecturerships or other teaching posts as may be proposed by the Academic Council;

(b) to abolish or suspend after report from the Academic Council thereon any professorship, readership, lecturership, or other teaching post;

(c) to provide or purchase lands, buildings, premises, furniture, laboratory apparatus, equipment and other means needed for carrying on the work of the University;

(d) to invest any moneys belonging to the University including any unapplied income in any of the securities described in section 20 of the Indian Trusts Act, 1882, with the power to vary such investments or to place on fixed deposit in any Bank approved in this behalf by the

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Local Government, any portion of such moneys not required for **current** expenditure; and

(e) to manage constituent colleges and hostels.

III. The Registrar shall act as the Secretary of the Senate, the Syndicate, the Academic Council, and the Council of Affiliated Colleges; he shall, subject to the control of the Syndicate, manage the property and investments of the University. He shall be responsible for the preparation of the **financial** estimates and the **annual** accounts. Subject to the powers of the Syndicate, he shall be responsible for seeing that all moneys are expended on the purposes for which they are granted or allotted. The Registrar

All contracts shall be signed by the Registrar on behalf of the University. He shall exercise such other powers and perform such duties as may be prescribed.

IV. (1) The Council of Affiliated Colleges shall consist in addition to the Vice-Chancellor of the following:—

(i) the principals of affiliated first-grade colleges;

(ii) **five** principals of second-grade colleges elected by the principals of such colleges;

(iii) one member for each district elected by the members of the District Board and the municipalities of that district;

(iv) representatives of the teachers of affiliated first-grade colleges, one being elected by the teachers of each of the colleges;

(v) ten persons nominated by the Chancellor; and

(vi) not more than ten teachers of the University to be appointed by the Academic Council.

(2) Members other than ex officio members shall hold office for a period of three years, provided that persons appointed or elected as representatives of any particular body shall hold office so long only within the said period as they continue to be members of that body.

V. (a) Every constituent college or hostel not maintained by the University shall be managed by a **regularly constituted governing body** appointed by the person or body maintaining the college or hostel the constitution of which shall be **periodically** reported to and **approved** of by the Syndicate. Colleges and hostels.

(b) The appointment of teachers and superintending staff of every **constituent** college or hostel shall be made by the **governing body**, or by any authority to whom such body may have delegated the power and all such appointments shall be subject to the approval of the Syndicate.

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(c) Every student not residing in a hostel shall be attached to a constituent college or hostel for tutorial help and disciplinary supervision and for such other purposes as may be prescribed by the Ordinances.

Honorary
degrees.

VI. The Syndicate may, either of its own motion or on the recommendation of the Academic Council, make proposals to the Senate for the conferment of honorary degrees and shall, after the Senate assents thereto, submit such proposals to the Chancellor for confirmation. Provided that in case of urgency the Chancellor may act on the recommendation of the Syndicate only.

VII. All arrangements for the conduct of examinations shall be made by the Syndicate.

VIII. There shall be instituted for the benefit of the officers, teachers and servants of the University such pension or provident fund as the Senate may deem fit.

IX. All graduates of the University or of the University of Madras as constituted immediately prior to the commencement of this Act, of seven years' standing or upwards, shall on payment of such fees as may be prescribed be entitled to have their names enrolled in the register of registered graduates and upon such enrolment to enjoy all the privileges of registration.

SCHEDULE II.

Enactments Repealed.

(See section 52.)

Year.	Number.	Short title.	Extent of repeal.
1857 ..	XXVII	The Madras University Act, 1857.	So much as is unrepealed.
1904 ...	VIII	The Indian Universities Act, 1904.	In sub-section (1) of section 6, the word 'Madras'.
			In sub-section (a) of section 12, the word 'Madras'.
			In the first schedule the heading, 'The University of Madras', and the entries under that heading.

